

BERNARD BOSANQUET'S PHILOSOPHY OF THE STATE

A HISTORICAL AND SYSTEMATICAL STUDY

BY

BERTIL PFANNENSTILL

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PREFACE.

Bosanquet's political philosophy is not to be regarded as an isolated part of his philosophy in general. Its position can perhaps be described best by saying that it is the focal point to which his fundamental philosophical ideas have been brought. In the basic idea of his political philosophy, the general will, we have *in nuce* his view of reality as concrete and logical, and of its identity with value, as well as his views of the relation between the actual and the real, between mental act and content, and other ideas. A discussion of these philosophical notions has therefore been necessary to ensure a correct understanding of his political philosophy.

Bosanquet's philosophy of the State can also be regarded as a focal point of the preceding political theories. The Philosophical Theory of the State is not merely a systematic exposition; a considerable part of it is devoted to his fellow idealists Plato, Aristotle, Rousseau, Fichte, Hegel, Green, as well as to his adversaries Bentham, Mill, Spencer. It is largely against the background of these thinkers that he expounds his political theory, and hence a historical exposition has been unavoidable, not to speak of the value such an account has for the full understanding of the presuppositions and import of a philosophical theory.

In the introductory chapter we have posed the politico-philosophical problem and shown its justification in the theoretical discussion of the State by drawing the consequences of the so-called »empirical» theories of the State and seeing how these indicate a philosophical analysis. Here we have also

given some preliminary definitions and treated some basic problems of the political theory in order to avoid lengthy digressions from our subsequent exposition of Bosanquet's political philosophy.

Now that I am concluding this work I wish in the first place to express my sincere gratitude to my teacher in practical philosophy, Professor Einar Tegen, for his kind suggestions and advice and the encouraging interest with which he has followed my work, without which, indeed, it would not have been possible for me to complete my task.

To my other teachers in philosophy, Emeritus Professor Efr. Liljeqvist, Professor Alf Nyman, and Docent Gunnar Aspelin, it is a great pleasure for me to have this opportunity of tendering my heartiest thanks.

For his painstaking work in translating this work into English I am much indebted to Mr Bert Hood, as also to Mr A. King, B. A., Lector at the University of Lund, for his kindness in going through the translation.

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Lund, April, 1936.

Bertil Pfannenstill.

CHAPTER I

The Object and Method of Political Philosophy.

a. Methodological Difficulties of Political Theory.

It is rare for a science to halt in the first stage of its existence, hesitant about the accuracy of its method. It is too occupied in collecting material for a rapid attainment of results. In its youthful optimism it believes itself able to solve all problems and is therefore disinclined to indulge in self-criticism. Not until it has collected so much material and conquered such regions that difficulties accumulate around the attempt to get everything ranged within the old system, does the science begin to cast a critical eye upon its manner of proceeding. Then its method comes up for critical consideration. All that was previously thought to be for all time fixed and immutable is now thrown into the melting-pot. The state of uncertainty that ensues when the old foundations begin to totter, and nothing new can yet be discerned, causes many to feel that a break-down of the science is imminent.

It is in a critical position such as this that political and legal science has found itself for the past two or three decades.¹ This may to some extent be due to the general atmosphere of crisis that has prevailed of late in the scientific world, but, independent of this general state, political science would doubtless have come to bear the mark of a dispute over method and have had to witness *das Bild des Zusammenbruches*

¹ Cf. Kjellén, *Staten som liifform*, Sthlm, 1916. p. 1

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¹ Cf. Kjellén, *Staten som lifsform*, Sthlm, 1916, p. 1.

und der Abdankung.² There are, in fact, few sciences that have committed »method-syncretism» so flagrantly as political science. This may be largely due to the almost unconquerable difficulty of framing a unique definition of the object-matter of political science, the State, of choosing from among the mehr als ein Dutzend von einander höchst verschiedener Bedeutungen des Wortes 'Staat',³ that have been advanced. For the same reason we have not succeeded in getting any uniform name for the science that has the State as its object-matter, Sociology, Political Science, Political Theory (Staatslehre), General Theory of the State (Allgemeine Staatslehre), Constitutional Political Theory (Staatsrechtslehre), Theory of Law (Rechtslehre), Political Philosophy, Social Philosophy, Philosophy of Right (Rechtsphilosophie) etc. compete for supremacy, each bringing its patent solution. The widest of these connotations, of course, is political science, which can embrace all the others. But just this latitude makes it very indefinite and ambiguous. Hermann Heller, in his article on Political Science in the Encyclopaedia of the Social Sciences, rightly contends that it is impossible »to formulate any precise definition of either the content or the method of this peculiarly comprehensive discipline. For in the designation political science neither the concept political nor the concept science has any fixed connotation; in other words, the discipline is lacking either a clearly delimited set of problems or a definitely prescribed methodology.»⁴ There has consequently often been a tendency to speak of »political sciences», corresponding to the French term »sciences morales et politiques».

Close to »political science» comes »political theory».

² Smend, Verfassung und Verfassungsrecht, Munch. & Lpz., 1928, p. 1. Cf. Schwinge, Der Methodenstreit in der heutigen Rechtswissenschaft, Bonn, 1930, p. 5, Grabowsky, Politik, Berl., 1932, p. 22.

³ Kelsen, Allgemeine Staatslehre (quot. as Staatslehre), Berl., 1925, p. 3.

⁴ Vol. XII, Lond., 1934, p. 207 a.

Frequently no distinction is made between these.⁵ But, as Heller defines political science as an empirical science that is almost exclusively concerned with the description and explanation of political institutions and actions,⁶ it is difficult to bring the philosophical theory of the State into this sphere. According to him theory of the State is now also largely an empirical science, and therefore he maintains that we cannot couple theory of the state and political philosophy and set them off more or less as one against empirical political science.⁷ A somewhat different opinion is to be found in F. Coker in his *Recent Political Thought*. "When political government and its forms and activities are studied not simply as facts to be described and compared, or judged in reference to their immediate and temporary effects, but as facts to be understood and appraised in relation to the constant needs, desires and opinions of men — then we have political theory."⁸ This definition of political theory, however, seems to us too narrow, as it practically covers no more than a philosophical theory of the State. To secure a more fruitful solution of this terminological problem we would suggest that Coker's definition be extended to include the question of the nature of the State (i. e. whether it is sociological, juridical, etc.). Political theory would then be that part of political science, which is not strictly empirical-explicative, but which is a study of the nature and ends of the State. It gives the theoretical basis for, and draws the ultimate consequences of, empirical political science, which is an historical or a comparative or an historical-comparative study of State institutions and forms. The object-matter of our account is political theory, and we shall use the

⁵ See Heller, *op cit*, pp 207 a, 209 b, Garner, *Introduction to Political Science*, N Y, 1910, p. 15, Leacock, *Elements of Political Science*, Rev ed., Lond., 1913, p 12

⁶ Heller, *op cit.*, p 211 b

⁷ *Op. cit.*, p. 209 b.

⁸ N. Y., 1934, p 3.

term political science only when we especially wish to signify all knowledge of the State

It is this situation within political science that we must have fully in view when we proceed to an analysis of any political theory, and not least of all does this demand apply to our coming discussion of Bosanquet's view of the State and the philosophy of the State. We must clearly understand whether political philosophy has any special task to fulfil, and, if this is answered in the affirmative, what relationship it then has to the other methods of political theory or science. And when we have established such a division of method, the question will be how and to what extent Bosanquet applied the demand for purity of method, and to what degree the criticism of his political philosophy is founded on »method-syncretism« on the part of the critics themselves. We shall then see, for instance, how Hobhouse shoots far beyond the mark in his criticism, in that he confuses a special method of philosophy with an empirical method of sociology. With regard to Bosanquet we may at once say here that he is fully aware that political theory works with different methods which must not be confounded with one another,⁹ even if his distinction between Sociology, Jurisprudence, and Natural Right¹⁰ might not find grace with Kelsen. It should perhaps also be added that in practice he does not always follow the insight gained into the mutual relations of the different methods.

Our first object will now be to make a survey of the different methods, and then to consider how the philosophical method is to be conceived in relationship to these.

b. Three Basic Methods.

The difficulty in a task of this kind is not so much to get a comprehensive view of the many methods that have been

⁹ Bosanquet, *The Philosophical Theory of the State* (quot as *Theory of State*). 4. ed., Lond., 1930, p. 16.

¹⁰ *Op. cit.*, p. 33.

made use of in political theory as to purify these methods, since political theory in general has used them without distinction. There is therefore some justification for the accusation of »Methodensynkretismus« Kelsen makes against the majority of political scientists. Kelsen himself would solve the question of method by distinguishing between a juridico-normative and a sociologico-explicative method, and he lets political theory have use of only the former. In addition to these, there is the ethico-normative,¹¹ or the philosophical method, which of course occupies a certain unique position in relation to the other two. (The juridical method regards the State as a system of legal norms founded on a system of pure logic and reason, independent of social facts and ends.¹² The sociological method seeks the unity of the State in the social relations between individuals, and regards the juridical system as one social phenomenon among all the others. The ethico-normative, or philosophical method, seeks to attain a coherent view of value and reality based on the State phenomena, the social as well as the juridical.)

Broadly viewed, these three methods cover the methods, purified or entangled, that have appeared¹³ When these methods have been used by the same author, e. g. Aristotle and Rousseau, they have generally not been kept sharply distinct. Hegel is an exception. He certainly made the philosophical point of view the determinant, but within the scope of philosophy he recognized the distinctive character of both the other methods. In the »abstrakte Recht« we have

¹¹ Cf. Ross, *Theorie der Rechtsquellen*, Lpz. & Wien, 1929, pp. 212 ff., Radbruch, *Grundzüge der Rechtsphilosophie*, Lpz., 1914, p. 159.

¹² Garner, *op. cit.*, p. 25

¹³ With our definition of political theory the historical method does not of course belong here as a special method. This does not imply, however, that the above-mentioned theories must hang as it were in the air without connexion with the historical State. The political theorist must have this as a substratum of reality for his theory, and the historian himself must have a more or less clear political concept as his starting-point.

the juridical method, entirely free from the sociological foundation, while »Bourgeois Society» is a sociological and politico-economical conception. But perhaps we must not press these conceptions too far. The three methods have also been advanced in another way. According to Hegel, positive jurisprudence is a »Sache des Verstandes und betrifft die äussere Ordnung».¹⁴ while »eine Vernunftbestimmung, wie der Begriff des Rechts selbst ist ... erfordert eine andere Methode», and »bei einem empirischen Inhalt, wie eine Tatsache ist, ist der Stoff des Erkennens die gegebene sinnliche Anschauung».¹⁵ Thus we have »Verstandesbestimmung» for the juridical method, »Anschauung» for the sociological, and »Vernunftbestimmung» for the ethico-normative or philosophical.

These preliminary observations give us reason to ask which of these three methods is the correct one, or whether recourse must be had to all three in order to arrive at a complete determination of the State. But in the latter case there arises another problem: How are three different methods of knowledge to be applied to the same object? A common view is the one that conceives the State as a fixed, unchangeable substance behind the various phenomena, and as its end each method then has to apprehend one of the many aspects of this substance. But a substantial view of this kind conflicts with »both modern science and modern philosophy».¹⁶ In our times it is chiefly Kelsen who pleads for: one method, one object. And, as we have seen, the only method he accepted was the juridico-normative. As this method has gained a spokesman who has purified it to the uttermost, we will dwell upon it a little in the first place. We have, then, a fully elaborated method and are therefore spared the trouble of liberating it from appendant particles foreign to it.

¹⁴ Grundlinien der Philosophie des Rechts (quot. as Rechtsphilosophie). Wke VI, Lpz., 1911, § 212.

¹⁵ Op. cit., § 227.

¹⁶ G. Olsson, Det statsrealistiska problemet. Lund. 1925, p. 21.

1 The Juridico-Normative Method.

In his first original »Hauptprobleme der Staatsrechtslehre« (1911) Kelsen distinguished between State and Law (*Recht*), but from and including »Das Problem der Souveränität« (1920), he regards State and Law as identical. It is not in the first form we wish to take up Kelsen's method, for to maintain a distinction between State and Law is not a consistent application of the formal-juridical method. There would then be certain elements in the State that could not be embraced by Jurisprudence and that must have their roots in extra-juridical facts. Nor will we take up for treatment Laband's and v. Gerber's constitutional political theory. Laband, like v. Gerber, certainly believed »mit einer rein positivistischen Dogmatik die Staatsstruktur . . . restlos erklären zu können . . . in elegante juristische Formeln gebracht, die als Ergebnis objektiver juristischer Auslegung erschienen«, ¹⁷ but he had none the less admitted that the comprehension of the purpose of a legal institution might be indispensable for the correct understanding of such an institution. ¹⁸

According to Kelsen, the State is identical with the Law, ¹⁹ which is heteronomous, i. e. a compulsive order. ²⁰ But a legal system can only be treated by a pure formal-juridical method, and the State cannot be considered from any other point of view. The State is »ein Gedankenwesen« whose ideal order

¹⁷ Koellreutter, *Die Krisis der deutschen Staatslehre*, *Süddeutsche Monatshefte*, 1929, p. 307

¹⁸ Schwinge, *op. cit.*, p. 8. Bergbohm and Somló have certainly laid heavier stress than the two previously mentioned authors on the distinctive character of the Law, but neither have they been able to purify the juridical method. Austin no doubt comes nearest to Kelsen's view, and can therefore be looked upon as a predecessor of Kelsen's (Cf. Ross, *op. cit.*, p. 88, Schwarz, *John Austin and the German Jurisprudence of His Time*, *Politica*, 1934, p. 198)

¹⁹ *Staatslehre*, pp. 16, 18.

²⁰ *Staatslehre*, p. 17, *Der soziologische und der juristische Staatsbegriff* (quot. as *Staatsbegriff*), *Tub.*, 1928, p. 82.

has its place in der Sphäre des Geistes»,²¹ whereas the real psychological phenomena must be explained on a physical basis »Denn nichts anderes als ein Gedanke, ein Ordnungsgedanke ist der Staat»²² The unity of the State is attained through assigning a Will to the system of Law. But this Will is only a fiction, »der Ausdruck für die logische Geschlossenheit, die innere Widerspruchslösigkeit eines Systems von Rechtsnormen».²³ How, then, is a system of norms to acquire a »logische Geschlossenheit when the legal norms presuppose one another? Like the category of reality, the category »Sollen» (Ought) is primary, and the existence of an ultimate absolute link is as little likely as that of a first cause within reality.²⁴ Kelsen then calls on the »Ursprungsnorm» for aid. This primary norm is »the constitution in a legal, logical sense».²⁵ And this norm becomes the *principium individuationis* of the political system.²⁶

We must content ourselves with these indications. However, we will select two elements in order to demonstrate the weakness of the Kelsenian view of the State. These two elements are the Law as a compulsive order and the primary norm.

When the legal system is heteronomous, or, a compulsive order, it must be upheld by a »power» behind it. It is this consequence that induced Kelsen in »Hauptprobleme» to separate the system of legal norms from other heteronomous systems of norms by falling back upon a special organization. This organization Kelsen would call the State. Hence the State would presuppose the Law. The State would therefore

²¹ Staatsbegriff, p. 92.

²² Op cit., p 91.

²³ Cf Lagerroth: Bostrom och Kelsen, Statsv. Tidskr., 1925, p 30

²⁴ Kelsen, Hauptprobleme der Staatsrechtslehre, Tub., 1911, p VI.

²⁵ Staatsbegriff, p 94, Staatslehre, pp. 84 pass.

²⁶ Kelsen, Das Problem der Souveranität (quot. as Souveranität), Tub., 1920, p. 105

have to take up within it extra-juridical elements. Hence it was consistent when Kelsen distinguished here between State and Law. Then, however, the chain of formal-logical reasoning is broken. And further, as the specific differentia of the State is to be sought in the social organization which underlies the Law, and is therefore to explain the legal system, this must not be adduced to explain the State, for then we are faced with a *circulus in demonstrando*. To avoid this consequence Kelsen soon proceeded to place this power-factor in the formal-legal system. ›Die sogenannte Macht des Staates‹ was declared as ›die Macht des Rechts‹.²⁷ But to speak of the power of the Law from a purely formal-legal point of view seems rather incomprehensible. Kelsen, too, had a feeling of this difficulty. In ›Staatsbegriff‹ he regards the power of State and Law as a realized ideal system, consisting in the fact that the consciousness of it acts as a motive on human conduct, and that a State order can only be assigned validity when by reason of its impellent force it is effective.²⁸ But immediately afterwards he incisively emphasizes that the validity of the compulsive order denoted as State is not at all based on the volitions and actions which have the compulsive order for their content.²⁹ This view is illustrated by comparison with geometric propositions, the validity of which is not based on their being imagined but on the fact that they can be systematically built up from certain axioms. The primary norm of legal science would thus correspond with the first axiom of Euclid. However, inasmuch as the legal system is heteronomous, the difference is considerable. One rather gets the impression that Kelsen shuffles away legal heteronomy in order to preserve identity between the State and the Law. There is a profound truth in Barna Horváth's words that the interpretation of the law as a compulsive order ›is an ideology with typically

²⁷ Staatslehre, p. 17

²⁸ Op. cit., pp. 90-93

²⁹ Op. cit., p. 93

sociological orientation».³⁰ Kelsen appears to be in the dilemma of either being compelled to renounce identity between State and Law, or else the heteronomy of the Law, alternatives that are unacceptable to him.

Thus the primary norm cannot save the Kelsenian legal system from sociological elements. But nor does it seem to liberate it from natural right, which was otherwise one of the reasons for assuming a primary norm.³¹ According to Kelsen this is »nur ein oberstes Erzeugungsprinzip«;³² i. e. those laws that have been issued in accordance with this principle possess validity, whereas others do not. And only those actions that have been undertaken in conformity with this are assignable to the State. But then the question arises: When and how does this »Erzeugungsprinzip« derive validity? Its validity does not appear to be of a positive-legal character, for it is an initial stage to the juridical system and seeks to determine what the supreme law-creating authority is.³³ The conclusion must accordingly be that the primary norm does not belong to positive law. It then appears only possible to affirm that the primary norm, i. e. the norm that determines the supreme authority in a State, ought to be valid. But this means falling into speculations about natural right.³⁴ Kelsen attempts to evade the difficulty by appealing to International Law. But this takes the problem only one step back. What sociological or ethical factors stand behind the primary norm of international law? Natural right appears to be inevitable, at any rate when Kelsen sets up *pacta sunt servanda* as primary norm.³⁵

³⁰ Die Idee der Gerechtigkeit, Zeitschr. f. off. Recht, VII, p. 520

³¹ Cf. Wilson, The Basis of Kelsen's Theory of Law, Politica, 1934, p. 71. »It was the spectre of Naturrecht which arrested his speculation»

³² Souveranität, p. 97, Staatslehre, pp. 104, 249, 251

³³ Staatslehre, p. 104.

³⁴ Ross, op. cit., p. 231; Hagerstrom in Litteris, 1928, p. 28 pass., Lundstedt, Obligationsbegreppet, II·1, Upps., 1930, p. 12

³⁵ Staatslehre, pp. 123 ff

Either an agreement is kept from ethical motives, i. e. natural right in the strict or ethical sense, or else it must be observed whether the parties want to do so or not, i. e. sociological natural right. This primary norm, too, is therefore not free from the difficulties inherent in the primary norm of constitutional law such as Kelsen defines it, e. g. »den Gesetzen der Monarchen soll Gehorsam geleistet werden.«³⁶ The formal-logical primary norm, however, cannot explain why such a law should be followed, and this is why Russia, for instance, now has a valid system of law and a primary norm that are different from those she had in the time of the Czar. However, we may be able to rescue something of what is essential in Kelsen's system by saying that if a constitution or a primary norm has once been realized by certain social processes and thus chosen as a starting-point, basic norm, then those legal rules possess validity and those social acts possess State character, which have come into existence in conformity with this primary norm, regardless of the fact that an Ought must fall back on an Is. The legal system would then be complete in itself, though resting on a sociological foundation. If this were torn away, the legal system would also fall.

It is such an interpretation that is represented by e. g. Radbruch,³⁷ Pitamic,³⁸ G. Olsson,³⁹ and Ross in »Theorie der Rechtsquellen«.⁴⁰ The same theory is also to be found in Bosanquet. No systematically expounded theory of law is to be directly found in his works. Lindsay therefore rightly says that it is »the defect of Bosanquet's theory as it stands . . . that it gives no adequate account of the juristic side of the State, does not explain how the complex social life produces

³⁶ Op. cit., p. 125.

³⁷ Op. cit., pp. 163 f.

³⁸ Kritische Bemerkungen zum Gesellschafts-, Staats- und Gottesbegriff bei Kelsen, Zeitschr. f. off. Recht, III, p. 537.

³⁹ Op. cit., pp. 146, 219.

⁴⁰ Op. cit., p. 287.

a system of government and law». ⁴¹ In Implication and Linear Inference ⁴² there is a passage referring to the legal system as a complete system, though one ranged within a rather wide sphere of reality. If for instance, a judicial decision falls in an unexpected direction, e. g. on account of the judge being interested in the success of certain persons and for this reason giving the law a mild interpretation, the decision being in agreement with the legal system as the judge understands it, will nevertheless not conflict with the law. The »law complex«, to be sure, does not involve the same imperative necessity as the geometric system, »but it rests on an implication seen to be inherent by those who understand the complex, and could only be defeated by a special provision of the general law, which could only be made, *ex hypothesi*, in the public interest». ⁴³ In the last words we see how the legal system points beyond itself.

Against such an interpretation, however, the objection will perhaps be raised. If the legal system is complete in itself, how are we then to explain that new legal rules, which may even run counter to an earlier enactment, are included in the system, e. g. when a judgment is *sine legem* or *contra legem*? Can the validity of the judicial decision here depend on a previously established norm? Ross attempts to evade this consequence by determining the basic norm both deductively and inductively, ⁴⁴ not as does Kelsen only deductively. Hence a subordinate legal rule can modify or expel from the system a superior norm if this conflicts with the newcomer. Ross has preserved in this way the unity of the system by modifying Kelsen's basic norm. But it is not always necessary to make this modification in order to answer the above-mentioned

⁴¹ Bosanquet's Theory of the General Will, Proc. of Arist. Soc., Suppl. Vol. VIII, 1928, p. 41.

⁴² Lond., 1920, pp. 72 ff.

⁴³ Op cit., p. 74.

⁴⁴ Op cit., p. 281.

question, instead, we can retain the primary norm in its sense, accepted by Kelsen, of being the only norm conferring supreme authority. A legal system that would appear to correspond almost literally with Kelsen's demands is the Swiss civil law, the first article of which provides that in certain circumstances the judge is entitled to pronounce judgment as if he were a legislator. Here, then, the system is not broken by a *sine legem* or *contra legem* decision. In other legal systems this unity can also be preserved by including the unwritten law in the legal system, and actually Kelsen does this when he finds in the most arbitrary despotism the same »Rechtsstaat« (legal State or constitutional State⁴⁵) as in a democratic order⁴⁶. The legislative competence of a subordinate authority does not therefore break the system. Let us make our meaning clearer. We will assume that a law has arisen in conflict with a higher norm. Either it may then be considered as having arisen according to the norm because no one has been fully conscious of its confliction with the norm and no one reacts; the norm is regarded as having arisen in proper and legal order. Or else its non-accordance with the norm is realized, but no reaction occurs. How is this to be explained? Is not the primary norm nullified here? No, for the primary norm determined the supreme authority. If the latter does not react, then the system of norms is not broken, for the new law has been accorded the approval of the supreme authority. Should this authority react, however, then either it has the power to uphold its authority and declare the new law void, or else it has not this power. In the latter case a new authority has arisen and with it also a new primary norm. Hence there is here a kind of revolution, though one on a reduced scale. It is not necessary, as Kelsen is inclined

⁴⁵ Bosanquet uses »legal State« (Theory of State, p. 254), Burgess »constitutional state« (Political Science and Comparative Constitutional Law, Boston & Lond., 1902, Vol. I, p. 73).

⁴⁶ Staatslehre, p. 335.

to do, to let the new primary norm arise through an absolute breach of the law, e. g. by way of a violent revolution, for the primary norm can also be allowed, so to say, to merge into another one. Nor is it possible to assert, as Kelsen does, that a violent revolution creates an entirely new State. In spite of all the revolutions that, for instance, France has gone through, one does not speak of absolute separate States called France. The social and geographical foundation must not be left unheeded. Before we deal with the sociological conception of the State, we will submit a brief summary of our results.

Thus, it may be said that the validity of a norm depends on its being possible to include the norm in a system. But the system itself must have a sociological foundation, a fact that clearly emerges especially when the existence of the primary norm is to be determined. Such validity of a legal norm cannot be called a grouping of words, nonsense, an illusion of knowledge, an intellectual *Fata morgana*, as Ross has done in his last work,⁴⁷ where he has thus broken with his original view. Then Kelsen's view of the coherency of the legal system as a fiction⁴⁸ is more fruitful. This does not necessarily mean that the legal system must hang in the air. There is nothing terrifying in allowing a content of our consciousness to bind within itself its component elements into a coherent system. We shall see below how it is epistemologically possible to construct different scientific systems within the frame of reality.

2 The Sociological Method.

If it is the sociological element that is to be able to preserve the continuity of the State in spite of a breach of law, e. g. a revolution, it may be asked whether this element is not sufficient to form the unit we call the State, and whether the

⁴⁷ Virkelighed og Gyldighed i Retslæren, Kbhvn, 1934, p. 435

⁴⁸ Staatslehre, p. 8 pass.

legal system is not therefore merely an unessential attribute. What relation to the State have, for instance, the social processes that create a primary norm? Are they acts of the State? An affirmative answer to this implies the consequence that a revolution could be assigned to the State. This would only be possible if the constitution could exercise prescriptive power over the constitution-creating power, i. e. an element of the social process in the revolution, but in this case there is already a constitution, a legal rule, that gives a certain 'signification', a State character, to the course of a social event, even if this event may have taken place before the advent of the constitution. However, we must analyse more closely the sociological way of thinking to see how far it can clear up the theoretical problem of the State.

According to Bosanquet, sociology has much the same method as a natural science. Its first representative was A. Comte, who sought to treat it as a natural science, i. e. set up laws for the social processes and partly predict them.⁴⁹ Hence sociology did not come to direct its attention principally to the highest forms of social life, but its chief interest lay far more with the lower forms, for just as chemistry explains complex things from simple elements, so did the new scientific discipline have more ... to say of groupings in which no very complex self-realization of the human mind is manifested than of those which involve all the functions of the human spirit at its best.⁵⁰ Consequently, the State did not come to occupy a distinctive position, but was only a common expression for social life, which was just as likely to be encountered wherever two or three are gathered together.⁵⁰ However, according to Bosanquet, modern sociology differs in an essential point from its forerunner: it has forged a link

⁴⁹ *Theory of State*, p. 17, *Science and Philosophy*, Lond., 1927, p. 217. (The essay 'The Relation of Sociology to Philosophy'. — Also included in *Mind*, 1897.)

⁵⁰ *Science and Phil.*, p. 238.

with psychology. But it still retains its natural science method. one social unit has the same right to be studied as the other, and the psychological laws of association have their social-psychological analogies.⁵¹ None the less Bosanquet will in no way deny this sociology its justification, though his sympathies are for the sociologists who more strongly emphasize a psychical unity in the group, e.g. Gidding with his theory of »Consciousness of Kind». He therefore finds a serious omission in McDougall's »Introduction to Social Psychology», because »the actual structure of a society is simply there not at all»⁵² No doubt he would have found himself more in agreement with McDougall in the latter's later work, »The Group Mind», where, as we shall see in the course of our discussion, a boundary is drawn between crowd and organized group. For, what Bosanquet has most to object to in modern social psychology is that it discerns no difference between the psychology of the crowd and the »psychology of a committee . . . of a representative assembly or of a great State.»⁵³

Now if we accept this sociology which Bosanquet has in common with McDougall, is it not capable of giving an answer to the question. What is the State? If we accord the State a distinct being from society on account of its organizing power, cannot such a conception be admitted a place in sociology. Surely this organization must also be something sociological? This is not denied by Bosanquet. He looks on a law as an act of the social will; it must have »some positive sentiment or conviction» behind it.⁵⁴ But the laws also possess their own meaning. They are »ideal facts»,⁵⁵ as he expresses it, i. e. they are facts that have embodied certain ideas. »A strong sentiment, as such, is a mere fact, a mere force; and

⁵¹ Op. cit., pp. 240 ff.; Theory of State, p. 30.

⁵² Theory of State, p. XLIII n.

⁵³ Science and Phil., p. 243

⁵⁴ Theory of State, p. 36.

⁵⁵ Op. cit., p. 32.

as such the sociologist regards it." But, he adds there is something more, viz. the ideas of right and wrong.⁵⁶ Even if he does not here distinguish between the concept of right of jurisprudence and that of natural right, yet he has shown how sociology points beyond itself to a question of validity that does not belong to the conceptual sphere of sociology. No special investigation has been made by him of the relationship between sociology and jurisprudence, at all events not more than we have indicated in another connexion. In order to illustrate this relationship closer, and to see if there are other means by which sociology can apprehend the specific differentia of the State, we will adduce a few theses from modern sociological authors.

Sociology is, as a social-philosophical author in close agreement with Bosanquet, J. S. Mackenzie, puts it, »an inquiry into the origins of human communities, the study of their various forms, laws, customs, institutions, languages, beliefs, ways of thinking, feeling, and acting.⁵⁷ This definition agrees with that of other sociologists. We may mention here P. Sorokin, since with his dynamic or functional conception of the community he is in agreement with Bosanquet in the latter's sociological standpoint.⁵⁸ Sorokin looks on the community »as a system of interrelated individuals, seeks to »ascertain the forms, the character, the uniformities (functional analysis) in fluctuation, variation, evolution of the relationship of the individuals who compose a social system.⁵⁹ But where is that factor to be sought, which makes the State a fixed unit compared with other groups? Durkheim has come into touch with it when he lets society become an organization⁶⁰ that

⁵⁶ Op. cit., pp. 36 f.

⁵⁷ Outlines of Social Philosophy, Lond., 1918, p. 13

⁵⁸ Bosanquet, Theory of State, p. LVII: »not the unified but — the unifying state»

⁵⁹ Contemporary Sociological Theories, N. Y. & Lond., 1928, p. 195.

⁶⁰ Sociologie et philosophie, Paris, 1924, p. 137

has »une contrainte extérieure». ⁶¹ But this constraint is a psychological one, is celle que tous exercent sur chacun. ⁶² We cannot escape it, just as little as we can dépouiller notre nationalité. ⁶³ But this cannot of course be called State coercion. Our nationality we cannot efface or change, but State constraint we can at times liberate ourselves from to some extent, or at least change, if we have sufficient resources of power.

As we have already indicated, McDougall has laid stronger stress on the difference between, on one hand, the lower groups and the crowd, on the other hand, the higher groups, e. g. Society, the Nation, and the State. These last-mentioned have a special organization. Now what is the essential condition that admits of a group being assigned here, e. g. of being called »Nation»? »The answer must be — organisation», ⁶⁴ for »it has its execute institutions and hierarchies of officials, organised for the carrying out of specialised tasks subserving the economy of the whole»? ⁶⁵ But an organization must be organized by a system of rules, and the »execute institutions» must operate by certain rules. But this implies the inclusion of a legal element. »What meaning has it», asks Hägerström, »that an organized social power exists unless it is that a system of rules is made use of within a certain group of individuals through the medium of special persons that are delegated for that purpose, and that in respect of this normative activity are organs of the community». ⁶⁶

Nor is the sociological conception of the State to be saved by introducing the concept of sovereignty or by including the

⁶¹ Les règles de la méthode sociologique, 8. éd., Paris, 1927, p. 19.

⁶² Op. cit., p. 126

⁶³ Op. cit., p. 129

⁶⁴ The Group Mind, 2. ed., Cambridge, 1927, p. 100.

⁶⁵ Op. cit., p. 148.

⁶⁶ Är gällande rätt uttryck av vilja? Festskrift tillägnad Vitalis Norström, Gbg, 1916, p. 198; Cf. pp. 180, 192.

geographical area of the State in the sociological definition. Jellinek's sociological definition of the State includes these two concepts, the former, though, in disguised form, inasmuch as he does not regard sovereignty as an essential characteristic of the State.⁶⁷ In this definition: »Der Staat ist die mit ursprünglicher Herrschermacht ausgerüstete Verbandseinheit sesshafter Menschen»;⁶⁸ »ursprüngliche Herrschermacht» cannot mean anything else but sovereignty. But what is sociologically meant by this conception, if not the supreme factual power in the community. This may however lie outside the State. In reality a State may be a tributary state to another without its constitution stating the fact.⁶⁹ And if one is inclined to assign sovereignty to a person or a group within the State, then the factual power may belong to some person or group other than the one delegated by the constitution or the legal system. There will therefore be more reason if with Kelsen we make sovereignty a legal concept to signify the self-contained unit of the legal system.⁷⁰

The geographical conception of a circumscribed territorial region is also unable to provide a means of escape from the legal determination. It is evident that sociological factors have fixed the boundaries of a land or an individual's place in one State or another. But it is none the less a system of laws that first makes it possible to call these territorial limits State Boundaries or to call the individual a member of the State.

Thus, we have seen that we cannot frame a conception of the State purely juridically without sociological elements, or a purely sociological conception of the State without its being legally defined. A social organization presupposes a

⁶⁷ Allgemeine Staatslehre, 2. Aufl., Berl., 1905, p. 472

⁶⁸ Op. cit., p. 173.

⁶⁹ E. g. the relations between Albania and Italy.

⁷⁰ Staatslehre, p. 105 — It is also possible to speak of a normative-ethical conception of sovereignty, e. g. the general will according to Rosanquet Theory of State, p. 216.

legal system in order to be a State, and a legal order presupposes social facts. This need not involve a circle, for it is perfectly logical to form a concept which is only fully defined if two elements are included in it, these elements therefore presupposing each other. But this is rather an epistemological question belonging to philosophy.

Before leaving the two empirical conceptions of the State and passing over to the philosophical one, we must make a terminological distinction in order to avoid a confusion of notions that is apt to occur. On the basis of the two above-mentioned aspects of the State we not only get a political philosophy, but also a legal philosophy (philosophy of Right) and a social philosophy. Mostly these names need not imply any *de facto* difference, it being only the accentuation of the one or the other aspect of the State, which determines the expression. Thus, social philosophy has the community most closely in view, it seeks to discuss the relations between individuals and the community. But if the social philosopher wants to investigate all the forms of the community and consequently also the State, he must also take cognizance of the heteronomous system of rules that is characteristic of the State. He must then demonstrate the value or disvalue of this system of rules for the true welfare of the individual, and as soon as he does this his social philosophy also becomes legal philosophy (philosophy of Right), and as the two elements, law and social fact, are united, this social philosophy may just as well be called political philosophy. The same applies to the legal philosopher. If he shows the ends of the law, he has also set forth the ends of the State, since law independent of the State is absurd. Legal philosophy becomes political philosophy. But legal philosophy can also become social philosophy, if it regards the law as a social end among many others. We therefore see how these three disciplines, followed out to their extreme consequences, overlap one another and even coincide. A typical example of this is the relationship

between Hegel's *Philosophie des Rechts* and Bosanquet's *The Philosophical Theory of the State*. Both works culminate in a determination of the State as the realization of the moral good, but while Hegel starts from the law, Bosanquet starts from the community. It was their starting-points that were chiefly instrumental in determining the different terms, whereas their ends have been the same.

There is accordingly a nuance in the meaning of the different terms legal, political, and social philosophy, but as they purport the same in their consequential development, we cannot maintain too rigorous a distinction between them in our coming account. Only when a 'political philosopher' deals too one-sidedly with one aspect without drawing the further consequences shall we be obliged to use the appropriate term, unless he employs another term himself. Otherwise we shall use the term *Political Philosophy* or *Philosophy of the State* as much as possible, seeing that it is at all events the most comprehensive, even if historically viewed it has a flavour of sociological modes of political thought.

3 The Ethico-Normative, or Philosophical, Method.

The ethico-normative conception of the State occupies a position distinct from the two outlined above. These two have what might be called a 'special-scientific' basis, while the ethico-normative conception belongs to philosophy. This is why it has been so difficult to give this conception its right place. At times it has been overrated and even made the sole arbiter, at times it has not been considered even worthy of notice. In order not to be guilty of any one-sidedness we have dealt rather fully with both the 'special-scientific' theories, wishing to procure in this way solid anchorage for the philosophical theory. If one sets out from a relatively firm and uncontested position, and finds this nevertheless pointing beyond itself, one may venture, and is entitled, to

go on, even if one should not find oneself on the same solid ground as before

Bosanquet has made an attempt to draw the borderline between the so-called 'scientific' methods — e. g. sociology — and philosophy with the object of seeing how far it is necessary or desirable that they should blend.⁷¹ But as he fixed the aims of philosophy and sociology at the outset, he does not make any very 'searching inquiry about how sociology requires a politico-philosophical discipline as a basis. Partly in order to supplement his account, partly — and chiefly — in order to obtain a background for some critical examination of his political philosophy and to see whether or not this keeps within the limits of sound political philosophy, we shall now first discuss to what extent the other two theories, the juridical and the sociological, presuppose a philosophical consideration of the problems of political science.

When we were examining Kelsen's theory of law we soon found how vain were his efforts to keep it free from natural right. We saw how the primary norm, which had been set up to make the system of law a complete whole, nevertheless had its roots within an extra-positivistic sphere. It was primarily sociology that made itself felt here. But it is not this sociological »natural right» that claims our greatest interest in this connexion. It is the more philosophical natural right that occupies the focal point.

What perhaps is first apparent in the Kelsenian system is its demand for logical systematic unity. But how can one require of a human work, which after all law is, that it should fulfil this demand of logic? Here Kelsen has had to leave his intra-legal method to seek support in »natural right» in the logical sense. The primary norm, irrespective of its other functions, has also appropriated the function of being a principle of mental economy in the Mach sense. But, as

⁷¹ Theory of State, p. 18

Kaufmann points out, the most »economical« mode of thought need not be the most important thing for either jurisprudence or for reality as a whole.⁷² Now, we may urge against Kaufmann that it can scarcely be denied that the sciences in general seek to find logical order within their systems; and if such a rule of mental economy is meant, there is no objection.

It is, indeed, a necessary postulate for all thinking that reality is subject to comprehension by means of logical categories; otherwise all rational scientific method would be rendered impossible. This view is very strikingly expressed by Horváth when he says: »Der Erkennende sucht Sinn in der Welt. Findet er keinen darin: so deutet er Sinn in die Welt hinein, denn er will, dass die Welt ein sinnvolles Ganzes sei«. What we shall confine ourselves to emphasizing in this connexion is that such a principle is extra-judicial, belonging to logical »natural right».⁷³ It is a presupposition for positive law, and therefore the primary norm is not a norm established in an ordinary positivistic manner.

Still more prominently do the philosophical presuppositions stand out in the grounds on which Kelsen rests when he rejects pluralism of method, which to him always means syncretism of method, and in its place regards the State as a system of thought. An object of knowledge can only be the object of one method of knowledge, for another method of knowledge would procure itself another object.⁷⁴ This view has its roots in the philosophy of the Marburg School, which would not accept any common object for several objects of knowledge, because according to this school of philosophy it was Thought itself that created the content and the object. Kinkel, one of the younger followers of the Marburg School, gives very striking expression to this view when he says: »Der Inhalt

⁷² Kritik der neukantischen Rechtsphilosophie, Tub., 1921, p. 36

⁷³ Horváth, op. cit., p. 519

⁷⁴ Staatsbegriff, p. 116

muss aus dem reinen Denken erzeugt werden.⁷⁵ What is the object of knowledge? Es wird in Gesetzen des Denkens, für die es selbst einzustehen hat, zu begründen sein.⁷⁶ Hence the problem for Kelsen will not be, How many aspects can be allocated to the real State? but By which method do we comprehend the State as the object of thought? If we wish to level criticism against Kelsen's system, we must endeavour to answer the questions: Is it possible to conceive an object common to one or more objects of knowledge? Is pluralism of method possible without becoming method-syncretism?

Kelsen's pure method has been opposed because it is unfruitful. Its sterile formalism, it is maintained, renders it incapable of mastering the whole of the reality called the State, and therefore it must be condemned. Such a position towards Kelsen is taken, for instance, by Smend,⁷⁷ Schwinge,⁷⁸ and Heller.⁷⁹ In their view every method has its limitations, and where a method proves inadequate, another must step in.

It is more important for us, however, to consider the attempts that have been made to show the logical possibility of unity of one or more objects. Jellinek's view, which Kelsen has most closely in sight in his criticism of »method-syncretism» is this, that one and the same object can give rise to manifold varieties of knowledge, though these must not be allowed to encroach on each other's spheres.⁸⁰ Here there is pluralism of method, but not syncretism. The objects of knowledge are merely ways of thinking of one and the same thing. We find a similar opinion in Bosanquet: »We all know

⁷⁵ Kinkel, Hermann Cohen. Eine Einführung in sein Werk, Stuttg., 1924, p. 124.

⁷⁶ Op. cit., p. 104.

⁷⁷ Op. cit., pp. 4 f

⁷⁸ Op. cit., p. 28.

⁷⁹ Bemerkungen zur staats- und rechtstheoretischen Problematik der Gegenwart, Arch. f. öff. Recht, XVI, p. 354.

⁸⁰ System des subjectiven öffentlichen Rechts, Tub., 1905, pp. 13 f.

that a flower is one thing for the geometrician, another for the chemist, another for the botanist, and another, again, for the artist». ⁸¹ The task of philosophy is now »to make some attempt to see the full significance» of it in the world ⁸² . Thus, Bosanquet seeks to find the unity through philosophy, while Jellinek spoke of an underlying »objective process», ⁸³ though without giving us closer information as to how this unity was to be conceived. We are probably not doing him a wrong if we rank this »objective process» with Kistiakowsky's *konkrete Vorstellung*. ⁸⁴ With this we also come closer to Bosanquet's view. Bosanquet does not of course mean that philosophy is to create the unity by assembling the different points of view. This would clash with the fundamental principle of his philosophy. Philosophy should apprehend reality such as it is, and reality is in a sense-perception. Reality is given for me in present sensuous perception . The real world, as a definite organised system, is *for me* an extension of this present sensation and self-feeling by means of judgment. ⁸⁵ But while the various sciences strive to enlarge this reality by extending it in only one direction, thereby proceeding abstractly, philosophy seeks to comprehend it in its entirety, and by this means philosophy can give us the unity in the objects of the special sciences. Now this also holds if we have a pure abstract system, e.g. Kelsen's juridical system of validity, and wish to apply it to concrete reality. We have seen how Bosanquet attempts by an implication to bring order into the problem. The unity is obtained through the method of implication, which Bosanquet ranks with the synoptic method of Sorely. It signifies an intellectual insight

⁸¹ Theory of State, p. 1.

⁸² Op cit, p. 2

⁸³ Op cit, p. 15

⁸⁴ Kelsen, Staatsbegriff, p. 108

⁸⁵ Logic, 2. ed., Lond., 1911, I, p. 72

which achieves a view of the whole.⁸⁶ An analogous view is to be found in Rickert and Horváth. According to the former in his *System der Philosophie* a validity-sphere is in opposition to a reality-sphere and these spheres cannot be united into a third object. But, unlike Kelsen, he cannot allow this dualism to remain final. He postulates a unity, not as another object, but »als Einheit des beziehenden Subjekts».⁸⁷ It is thus primarily the act of the subject that comes into question, and here Rickert differs from Horváth, who is inclined to see this »Synopsis», this »Zugleichdenken» as »eine bloße reflektive, methodologische Kategorie» and not a synthesis in Hegel's sense.⁸⁸ But whether the act of the subject or the synoptic category is the unifying factor, it will now be possible to overcome Kelsen's one-sided juridical conception of the State and substitute another that contains both a social totality and a legal system. For the normative system becomes a content of consciousness that can be regarded as complete in itself, but that simultaneously acts selectively upon a concrete sociological reality, enabling certain social processes to be assigned to the State.

We have now carried out one of the functions of political philosophy, viz. a critical analysis of the conceptions and presuppositions of political science. We have shown how necessary such an analysis is, and that even a so-called pure juridical science of the State builds on its philosophical assumptions, on the logical theory of natural right. At the same time, in order not to confine ourselves to a purely negative analysis, we have also elected more positively to show the potentiality of other philosophical assumptions to give

⁸⁶ Implication, p. VI.

⁸⁷ *System der Philosophie* I, Tub., 1921, p. 267.

⁸⁸ Hegel und das Recht, *Zeitschr. f. off. Recht*, XII, p. 55. This method does not involve »Methodensynkretismus, denn sie besteht auf der reinlichen Trennung der beiden Methoden»

quite a different conception of the State, and perhaps one logically more tenable than the Kelsenian.

For Kelsen it is now not a long step from this logical »natural right» to natural right in its strict sense, the ethical. We have seen that Kelsen went on further than to make the constitutional primary norm identical with the *pacta sunt servanda* of International Law. This norm, of course, is not merely a logical starting-point; it is just as much, if not more, a principle of ethical natural right. Here, earlier than elsewhere, we see Kelsen as a Marburg philosopher. Both the conception of the primary norm as an *erzeugender Begriff*»⁸⁹ and the tendency to convert an ethical norm into a logical principle are possessed in common by Kelsen and the Neo-Kantian Marburg School. To make *pacta sunt servanda* a logical unifying principle is merely a consequence of the general rule that is expressed by Cohen thus: »die Ethik lässt sich als die Logik der Geisteswissenschaften betrachten».⁹⁰ And what interests us here are the intimate relations established in this manner between ethics and jurisprudence just as mathematics is the special science upon which logic builds, so is jurisprudence the special science within the mental sciences (Geisteswissenschaften) in which ethics has its foundation.⁹¹ Therefore, as a philosopher, Cohen has had this relation in view and strongly stressed how impossible it is to reach the ultimate grounds of constitutional political theory if one »den Zusammenhang mit der Ethik verschmäht»⁹² Kelsen, however, who in his Theory of Law seeks to preserve his pure method and therefore isolates it from the philosophico-ethical province, rejects the relation maintained by Cohen, but this none the less comes into the

⁸⁹ Cf Kinkel, *op cit.* p 114.

⁹⁰ *Ethik des reinen Willens*, Berl., 1904, p. 65

⁹¹ *Op. cit.* p 66 Cf Kinkel, *op cit.*, pp 169 f.

⁹² *Op cit.* p 70 Cf p 63

system and must do so on account of Kelsen's own epistemological premises.

But it is not merely in consequence of his starting-point that Kelsen is forced over to ethics, he has also made direct statements that must be interpreted on a natural right basis even if he definitely denies the justification of such an interpretation. For instance, we may refer to his article on *Die Idee des Naturrechts*, where for the concept *Gerechtigkeit* (Justice), current within legal and political philosophy ever since the days of Plato, he seeks to substitute *das Ideal des Friedens*. »Und dieses Friedensideal, mit dem man jedes beliebige positive Recht gegen jedes beliebige Naturrecht verteidigen kann, ist dem Gerechtigkeitsideal direkt entgegengesetzt».⁹³ This »ideal of peace» does not imply that each and every one gets his share, a *sum cuique*, but only that »der Streit beendet werde».⁹⁴ It thus appears to correspond to what Radbruch regards as the primary end of the law, legal security.⁹⁵ The fact that the law has certain ends to fulfil cannot therefore be evaded, not even by Kelsen, but if a non-teleological jurisprudence is insisted upon, to what discipline is the teleological inquiry to be assigned? And once the door is left ajar for the ends, even for such an in Kelsen's view abstract notion as »das Ideal des Friedens», what is to prevent us from admitting other ends, e. g. as Radbruch does when he makes legal security a means to what he considers the more remote end of the law, viz. »die Gerechtigkeit». But according to Radbruch this brings us into the province of legal philosophy; and the law is defined thus: »Das Recht ist alles, was zum Gegenstande eines Gerechtigkeitsurteils, also auch eines Ungerechtsurteils gemacht werden kann, was gerechtes Recht sein sollte, was den Rechtszweck hat».⁹⁶

⁹³ *Zeitschr. f. öff. Recht*, VII. p. 248

⁹⁴ *Loc. cit.*

⁹⁵ *Op. cit.* p. 172.

⁹⁶ *Op. cit.*, p. 39

We get a view of value that differs from the »empirical» theory of the law only by its being a »Bekenntnis», not an »Erkenntnis» as the last-mentioned.⁹⁷ The same view is to be found in another of the Critical Law Relativists, namely Jellinek who also considers that a complete definition of the State must include the ends of the State, though he adds that such a definition is not an »Erkenntnisurteil» but a »Wertmasstab» by which the perfection or imperfection of a State is measured.⁹⁸ A step further is taken by E. Kaufmann, who thinks that it is only from a concretely determined »Weltanschauung» or from a valuation that it is possible to obtain a correct conception of the State. Formal, tautological principles in Kelsen's opinion give no answer, for by such »ist auch das soziale 'Zusammenwirken' in einer Rauberbande, in einem Bordell, im Sklavenverhältnis, in einer societas leonina geregelt».⁹⁹

But is it really necessary to be driven so far from the »empirical» theory of the State? Cannot the ends be retained but studied purely sociologically? This is what Hägerström does for example. Like Radbruch, Hägerström also asserted justice to be an end of the law. »What is the reason for the demand imposed on the judge to follow the law? Primarily the demand of the public presents itself as a demand for a just judgment.»¹⁰⁰ He then proceeds to enumerate a number of special ends of the legal system, and also mentions as a means to these ends that the judge must also take into consideration »the letter of the law».¹⁰¹ This would appear to be in close agreement with Radbruch's conception of legal security, but has now been regarded as a rule of social conduct. And in another article by Hägerström the importance of values for

⁹⁷ Op. cit., p. 2

⁹⁸ Op. cit., p. 257 n

⁹⁹ Op. cit., p. 17

¹⁰⁰ Till frågan om begreppet gallande rätt, Tidskr. för Retsvetenskap, 1931, p. 85 (cit. abbrev.)

¹⁰¹ Op. cit., p. 87 Cf. Tegen, I filosofiska frågor, Upps., 1927, p. 139.

the State and the Law stands out still clearer when he states that in its capacity of the highest form of the community the State is nothing else but an organization of the individuals, necessary for Life's values, and upheld by a whole system of rules — the legal order — which in its turn is shaped according to the values that are considered to be of importance for the individuals in common.¹⁰² This definition of the State may also be regarded as purely sociological.

We will not deny that a teleological investigation can belong to sociology. Hence purely sociological means can be used to ascertain by what ends the law-making authorities are determined, or by what ends individuals are led when they submit to or rebel against the authority of the State. It is likewise possible to advance very far by applying the sociological method to determine what values are regarded by people in general as necessary for the life the State is to protect. More difficult will be the question to what extent a social formation may be called a State if it does not fulfil the ends demanded by the individuals. An entire departure from the sociological method takes place if any attempt is made to obtain a coherent view of all these different ends and values, or if an attempt is made to sift out the more casual and only concentrate on the more essential. Here, the investigator can scarcely avoid acting as the valuer himself. There is therefore no reason to be surprised over the multifarious attempts that have been made to determine the aims of the State. Natural right, the Historical School, Hegelianism, Biological Materialism, Historical Materialism, the Empiricism of General Legal Theory in Bergbohm, Bierling and Merkel, Jhering's Teleological Conceptual Jurisprudence, Stammler's formal conception of legal value, Kelsen's Pure Theory of Law, Absolute and Critical Relativism, all believe they grasp the essential end of the Law,

¹⁰² Naturrätt i straffrättsvetenskapen? Svensk Juristtidning, 1920, p. 335

the State and Society In the face of such Babylonian confusion as exists within the Philosophy of Law and the State one may feel inclined to pronounce this discipline devoid of all value, and be content to study it only because of its value in the general politico-historical controversy of our days.

But before taking up such a pessimistic attitude towards the problem of political philosophy, we ought first to subject its theories to a more searching test. Besides, the question is, can we escape this problem at all. The whole of our last analysis has shown how necessary it is to have a philosophical supplementation of the »empirical» theory of the State. Even if we will by no means deny that a solely »empirically» determined conception of the State is possible, political philosophy has yet a function to fill, or more correctly, two functions, a fact that we can gather from the foregoing discussion. Its first function is to test the fundamental conception of political science as a special science, as we did, for instance, with the presuppositions of the Pure Theory of Law. Such a method is critical and has therefore been called by Mackenzie »the negative service of philosophy». »It is the art of fixing the bottoms of our boxes, by giving definiteness and clearness to our conceptions.»¹⁰³ It is of principal value in the so-called teleological sciences, while it plays a minor part in the natural sciences, these being able to use more definite conceptions than the former. The more complex a science becomes, the more it needs the critical scrutiny of philosophy, which is evidenced not least of all by modern natural science as compared with earlier. This critical or negative function of philosophy is, of course, less in dispute. The second function, though, the positive according to Mackenzie, is what is called political philosophy in its true sense. However, there is no abrupt break between these two methods, the first merges into the other. This is readily seen

¹⁰³ An Introduction to Social Philosophy, Glasgow, 1890, p. 42.

by considering what conceptions and principles in political science or theory are to be tested: the ends and the values for the State are not among the least important. We need only take the conception of justice as an example. Here, Bosanquet stresses how difficult it is to set up any measure for what is just or not¹⁰⁴ For instance, in its application a law may involve a great injustice to, say, a poor man, but not to a rich one, though applied in the same manner. We are therefore practically compelled to continue the chain of ends and values. We want a unit, a firm starting-point, and perhaps no answer can be given »until we have analysed the nature of the Good».¹⁰⁵

Another example of this overlapping of the two philosophical methods can be found in our foregoing account. We showed there that one theory of the State indicated the other. A short study of a theory with its principles and concepts suffices to show that an »empirical» theory or a »special science» only takes into consideration one of the many aspects of an object. The function of philosophy here, to cite Mackenzie again, »enables us to take a connected view of the objects of our experience, and so helps to suggest the real meaning of processes in which only a partial discovery has yet been made by the particular sciences»,¹⁰⁶ to replace the motto *divide et impera*¹⁰⁷ of the special sciences by a totality view of reality.

These two examples enlighten us as to what we mean by political philosophy in its true sense. Its function is to give us a totality view of value and reality. It is this view that has one of its foremost advocates in Bosanquet. The first, so-called negative, function of political philosophy has not

¹⁰⁴ Social and International Ideals (quot. as Ideals), Lond., 1917, pp. 198 ff.

¹⁰⁵ Mackenzie, op. cit., p. 19

¹⁰⁶ Op. cit., p. 43.

¹⁰⁷ Op. cit., p. 41.

been emphasized at all by him. This does not of course prevent him from using it at times, though he does so very sparingly, as he only rarely enters upon the »empirical» theories of the State¹⁰⁸ But even such criterion is based on his fundamental view that value and reality constitute a coherent whole. When philosophy directs its attention to the community, its aim is to establish degrees of value, degrees of reality, degrees of completeness and coherence.¹⁰⁹ It inquires whether social life and social ends have a promotive or retardative effect on the highest aim of man, in what relation social value stands to our ethical, aesthetic, and religious values in general. As its object is therefore to determine the true end and true will of the community, political philosophy can be called ethical or teleological.¹¹⁰ On this point Bosanquet is in accord with his Neo-Benthamian¹¹¹ antagonists, Laski and Hobhouse. The latter claims that when we study »social and political institutions with a view to ascertaining their value or justification, our inquiry is in reality a branch of Ethics». ¹¹² And Laski contends that the theory of Law »die nicht damit anfangt, einen Zweck

¹⁰⁸ As an instance we may mention his criticism of Tarde's sociological »Imitation Theory», which according to Bosanquet is founded on the error that it substituted »Similarity» for »Identity» by an impermissible purification of our intellectual powers into powers solely of repetition (Essay »Social Automatism and the Imitation Theory» in *Science and Phil.*, p. 254 Also in *Mind*, 1899. Cf. *Theory of State*, p. 41.)

¹⁰⁹ *Theory of State*, p. 47

¹¹⁰ *Op cit.*, pp. 47 ff

¹¹¹ The term »Neo-Benthamism» has been taken from Ross, *Kritik der sogenannten praktischen Erkenntnis*, Kbln, 1933, p. 194 n. B. Russell also belongs to this trend of thought

¹¹² L. T. Hobhouse, *The Metaphysical Theory of the State*, Lond., 1926, p. 12. Cf. Stammler, *Lehrbuch der Rechtsphilosophie*, Berl. & Lpz., 1922, p. 171. »Ein richtiges Wollen nennen wir auch ein Sollen». The philosophical theory of the State may therefore be denoted as ethico-normative

des Rechts zu postulieren, kann niemals erklären, warum man dem Recht gehorchen soll.¹¹³

• Even if Bosanquet is in agreement with the Neo-Benthamites that there is sense in inquiring what the justification of the State is, there is yet a very wide chasm between them when the method of developing politico-philosophical theory comes into question, for the ethico-normative theory of the State is intimately bound up with the philosophic view in other respects. The same opposition as is to be found in the whole history of philosophy, is also clearly discernible in the history of the development of political and legal philosophy. Just as in antiquity Socrates' and Plato's universal, idealistic doctrine of the *Stâte* stood opposed to the individualistic doctrine of power taught by the sophists, so has right up to our days, the same doctrinal opposition broadly speaking asserted itself. We have, on one side, Rousseau's, Hegel's, and Neo-Hegelianism's conception, according to which the State compels man to be free, and on the other side Bentham's, Mill's and Spencer's individualistic conception of the State as something evil, which some time in the future could be abolished. Against the view of the State as something sacred, as the Divine Will (Hegel), or as the Good Will (Bosanquet), stands another view that has been given its extreme expression in Max Stirner's »Das Einzige und sein Eigentum« or by Nietzsche in his words: »Der Staat lügt in allen Zungen des Guten und Bösen, und was er auch redet, er lügt, und was er auch hat, gestohlen hat er's«.¹¹⁴

It is obvious that such extreme contrasts rarely present themselves, and that between them are manifold degrees and nuances. We have merely wished to point out the cleft that exists between the universalistic and the individualistic theory of the State, well aware of the inadequacy of all classifications,

¹¹³ Das Recht und der Staat, Zeitschr. f. off. Recht, X, p. 27.

¹¹⁴ Also sprach Zarathustra, Kröners Verl., Lpz., 1930, p. 51.

which, this notwithstanding, can have a great methodological function to fulfil. We need only call to mind the attempt to classify a philosopher as an idealist, materialist, realist, sceptic, or suchlike in order to realize the utility of a classification but at the same time its difficulty of application. As for our division of the politico-philosophical system into universalistic and individualistic theories, these terms are far from univocal. In order to escape this indefiniteness, either recourse has been had to narrower terms, or else certain attributes have been added. For instance, Malte Jacobsson distinguishes between the »substantialistic» and the »associative» theory of the State,¹¹⁵ but as the former term may cause too many misconstructions, we will not accept this classification. Jellinek's terminology, which, as a matter of fact, approaches very closely to our own, may be considered as better. He distinguishes between a collectivistic-universalistic and an individualistic-atomistic political theory.¹¹⁶ Closely related to this division is Windelband's division of the Common Will into universalistic-organic and individualistic-mechanic.¹¹⁷ In spite of their merits, both Jellinek's and Windelband's divisions are difficult to apply to the modern theory of the State, whereas they are quite adequate for the political doctrines of past times. The individualistic conceptions of the State belonging to our times need be neither atomistic nor mechanic. Should we elect to replace the atomistic by the pluralistic and the collectivistic by the monistic, we could obtain a more fruitful division. But then we should be obliged to class Bosanquet's as monism, which we are disinclined to do, as he himself prefers to call his system »Multiplicism»¹¹⁸ even if this theory

¹¹⁵ Om statsmoral, Sthlm, 1925, p. 115.

¹¹⁶ Op cit, p. 166.

¹¹⁷ Einleitung in die Philosophie, Tub., 1923, p. 307.

¹¹⁸ Life and Philosophy. In. Murhead, Contemporary British Philosophy, I, Lond., 1929, p. 70. The Principle of Individuality and Value (quot. as Principle), Lond., 1913, p. 373.

of his does not stand in sharp contrast to monism. In order to be on the safe side we must let the two main tendencies within political philosophy rest content with the terms universalistic and individualistic respectively. The former would embrace the views that aim at granting the State or the community priority to the individual; so that the latter only obtains his full determination in and through the State »Kausal ist das Leben der Gruppe nicht aus dem Leben der Einzelnen herzuleiten»¹¹⁹ «Das Ganze, die Gesellschaft ist die eigentliche Realität . . . das Ganze ist das Primäre, das Individuum ist gleichsam nur als Bestandteil derselben wirklich vorhanden, es ist daher das Abgeleitete.»¹²⁰ This line of thought is in opposition to every kind of individualistic conception of the State, more specially the atomistic, mechanistic, inorganic (in the restricted sense, not anorganic) tendencies, which are liable to be in attendance within individualism. The other main tendency, the individualistic, regards the individual as the logical primary: the State can only be conceived in and through the individual, »in the whole there is nothing but the co-ordinated or associated activity of the individuals which constitute it».¹²¹

We have now brought to a conclusion our preliminary discussion, the object of which was to supply us with the necessary background for the ethico-normative, or philosophical, theory of the State, and we will now pass on to discuss its fundamental ideas historically and systematically. Our choice of a Neo-Hegelian representative for this purpose can scarcely be denoted as arbitrary. It is Hegelian political philosophy that has been granted such a wide place the last few decennia in the English, German and Italian politico-philosophical discussion. It is also in Hegelianism that we

¹¹⁹ Smend, *op. cit.*, p. 9.

¹²⁰ Spann, *Der wahre Staat*, Lpz., 1921, p. 29

¹²¹ Hobhouse, *op. cit.*, p. 29.

find a fully worked out political philosophy, and therefore we can here most easily see the consequences of the philosophical theory of the State and how far it is possible to follow them. And as a reason for the selection of just Bosanquet for our attention, we may mention his great importance for modern philosophy,¹²² especially political philosophy. Laski, one of his greatest opponents, has said of his 'Philosophical Theory of the State': 'I may perhaps be allowed to say that criticism does not preclude the recognition that this book is, with the single exception of Green's 'Principles of Political Obligation', the greatest contribution made by an Englishman to political philosophy since Mill'.¹²³ Further, and it is not least in importance, we can say of Bosanquet's political philosophy that it has gathered, as it were, the whole politico-philosophical development of the past to a focal point.

¹²² 'Bosanquet, the central figure in British philosophy for a whole generation' ('Obituary notice' in Times, 1923. Quoted from 'Bernard Bosanquet and his Friends. Letters'. Ed by J. H. Murrhead (quot as Letters), Lond, 1935, p. 19). — Leighton: 'So far as I know, there is not now, nor has been recently, any one on the continent of Europe who quite ranks with him'. (An Estimate of Bosanquet's Philosophy, Phil Rev, 1923, p 626)

¹²³ Authority in the Modern State, New Haven, 1919. p 66 n

CHAPTER II.

The Historical Basis of Bosanquet's Political Philosophy.

A philosophical problem is easier to understand in all its aspects if its historical development is followed. Its essential elements then grow more and more distinct, while its more inessential features peel off and disappear. For our purpose an historical exposition is a still greater need. Bosanquet has made use of a terminology inherited from his predecessors, which has often given rise to misinterpretation on the part of his critics. Misunderstandings of this nature would not have been so ready if trouble had been taken to ascertain from where Bosanquet had got such conceptions as »State Idea», »General Will», »Ethical System», etc. Further, and this is more important for us, Bosanquet has made himself known for his capacity to keep his philosophy open to external influences, and he is always willing to acknowledge his indebtedness to his philosophical forerunners. In the preface to »The Philosophical Theory of the State» he pronounces his littleness compared with the Great of the idealistic tradition in political philosophy: »It will occur to philosophical readers that the essence of the theory here presented is to be found not merely in Plato and Aristotle, but in very many modern writers, more especially in Hegel, T. H. Green, Bradley, and Wallace. And they may be inclined to doubt the justification for a further work on the same lines by one who can hardly

expect to improve upon the writings of such predecessors.¹ We will therefore trace the basic idea of the idealistic philosophy of the State, the ethical relation between individual and State, from Plato to Bosanquet and see how in course of time it is perfected and purified from extraneous elements. Does Bosanquet denote an advance for the idealistic or universalistic theory of the State; has he given the politico-philosophical problem a more fruitful exposition than his predecessors? To this the following historical exposé purposes to give an answer.

a. **Plato.**

It is an almost continuous feature in the idealistic philosophers that they seek — and with reason — to link up with the tradition from Plato. This applies not least of all to the idealistic philosophy of the State, where Plato's »Politeia» remains its classic work. Bosanquet is no exception from this orientation to Plato; for him »there is no sound political philosophy which is not an embodiment of Plato's conception .²

What is it, then, that is so permanent in the political philosophy of Plato and that gave it the eminent position it holds in later political-philosophical thought, particularly in Bosanquet? As we saw, according to the universalistic theory of the State, the individual acquires reality and value only in and through the State. This view, indeed, forms the kernel of the Platonic conception of Society. Plato was the first to seize more earnestly upon the function of the State as a foundation for the intellectual and moral welfare of man.³ Justice is realized in the true State, and man attains his perfect development only by doing his duty in the position

¹ Op. cit. p. VIII

² Op. cit. p. 6.

³ M. Pohlenz, Staatsgedanke und Staatslehre der Griechen, Lpz., 1923, p. 93.

allotted to him 'by the community' — a mode of thought that we find recurring, more especially in Bradley. This Platonic idea of justice and the Good, as the foundation of the State is a feature that runs through all Plato's political writings. The Laws and The Statesman are not separated from the Republic in the conception of the true foundation of the State, the Good, but only in the relation of the State to existent reality.⁵

What most interests us, perhaps, is Plato as the typical representative of an ethico-normative theory of the State, indeed, of a pure ethico-normative science of the State, more especially in the Republic. Just as Kelsen discarded the ethical and sociological conception, so did Plato in the Republic reject the legal and sociological elements. The legal element is not even allotted an obscure place, being entirely ignored. The sociological element has certainly been granted admission, but the perfect State of Plato stands independent of existent social reality, in any case if social facts in their strict sense are meant. The ethical, then, is the only characteristic that distinguishes a State from a Non-State. Only the State governed by a moral law based on reason, a State where justice rules, can be called State in the strict meaning.⁶ Justice is made the guiding principle, the norm, by which a social organism is to be tested to decide whether or not it is worthy the name of »State», and the political order is not a legal order but an ethical one. This is why Plato is able to make the State analogical to man, a macrocosm, man writ large.⁷ The order that dominates in a moral, per-

⁴ Republic, 434.

⁵ The Laws, 661 f; The Statesman, 297. Cf. M. Jacobsson, Platon som politiker, Sthlm, 1922. Holstein, Geschichte der Staatsphilosophie, Handb. d. Phil., Münch. & Berl., 1934, pp 15 f.

⁶ Republic, 424. Cf. Jacobsson, op. cit., pp. 56, 64; Lagerroth, Platons stats- och rattsbegrepp, Lund, 1928, p. 50; Pohlenz, op. cit., p. 78.

⁷ Republic, 462.

fectured human being is thus to have its counterpart in the State. Care should be taken, however, not to construe Plato's State as a biological organism. The State is an organism of minds, a spiritual whole, and attains unity by the permeation of justice through all its estates and classes. It is this conception of an immaterial organism that has established itself in the idealistic philosophy of the State and received special emphasis in Bosanquet.

Before we leave the subject of Plato there are two lines of thought we desire to stress, as they have meant much for the idealistic philosophy of the State and have at times aroused justified opposition among its critics. The first has reference to the relation between the State and Society. Plato made no distinction between these two conceptions, and quite naturally so, as for the Greek in general there existed no such distinction, and the abstract conception State was not contained in his vocabulary. To this extent Plato's ideal State had contact with the social reality then existing. It is therefore meaningless to level criticism at Plato for not making any distinction between the State and Society. With this we have merely thought it desirable to prepare the ground for the coming account by pointing out that idealistic philosophers have frequently followed Plato along this line without noting that for him quite other social conditions were prevalent than for modern political philosophy. The task of the latter is also to see the individual in his relation to the Nation-State, not merely to the City-State

The second question to which we desire to call attention concerns the relation between Utopia and Reality in Plato's political philosophy. Our concluding section will touch more closely upon the relations in general between Utopia, Idea, and Reality. Here we will merely mention that Plato's State contains many utopian elements, but this does not prevent the basic idea itself from containing a truth free from utopianism: a State can only fulfil its moral duty and exist if it serves the

welfare of the whole by having its share in the idea of justice and Right. This idea may be regarded as being more or less realized in every State, consequently even in a bad State, »wie ja auch der kranke Körper nur von der Gesundheit, nicht von der Krankheit lebt, as it is expressed in genuine Hegelian fashion by Spann.»

b. Aristotle.

Plato and Aristotle are placed on an equal footing by Bosanquet as predecessors to his system. In both is to be found »the fundamental idea of Greek political philosophy», i. e. that »the human mind can only attain its full and proper life in a community of minds».⁹ It will perhaps cause surprise that Aristotle, too, is able to contribute to idealistic political philosophy. The general opinion is that Plato was a rationalist and Aristotle an empiricist. To this may be added their different attitudes toward the relation between individual and State. »Platon concevait l'État comme une sorte d'unité idéale dont les individus ne sont que les accidents. Pour Aristote au contraire, l'État n'est pas une unité véritable, mais une collection d'individus spécifiquement différents.»¹⁰ This description, however, does not do full justice to Aristotle. Only one aspect of the Aristotelian State emerges here, that consists in just the assertion of »sociological» plurality, even to the length that plurality is the nature of the State, and if the State loses this, it ceases to be a State and becomes an individual instead.¹¹ The unity in this plurality of individuals or citizens is to be sought in the constitution or government,¹² a mode of thought that in part resembles Kelsen's theory of the State.

⁹ Gesellschaftsphilosophie, Handb d Phil, Munch. & Berl., 1934, p. 22.

⁹ Op cit., p. 6.

¹⁰ Janet, Histoire de la science politique, Paris, 1887, I, p 203.

¹¹ Aristotle, Politics, Bk II, ch 2

¹² Op cit, II. 2; III: 1, 3.

But Aristotle also has another point of view regarding the relation of the individual to the State, and this has received more attention from the idealistic doctrine. According to this view, which finds its clearest expression in the first two chapters of his »Politics«, the State is primary, is »prior« to the family and the private individual, because the State is a whole with the individuals as parts, and the whole is always prior to its parts. Further, just as the part separated from the whole is an inert thing, so is man separated from the State no longer man, for isolated from the State he could only exist if he were a god or a beast¹³

Does there not lie a certain contradiction in regarding the State at one time as a plurality, at another time as a whole? A part in a plurality obviously possesses a higher degree of independence than a part in a whole which is primary to the individual. And the unity in the plurality, which is formed by the constitution, does not invalidate the »sociological plurality. But it is not this unity either, that Aristotle is primarily referring to when he compares the State with a whole. This whole or unity is of a teleological or — which means the same — a logical nature. The unity exists in the end, which according to Aristotle is a single one.¹⁴ This view also accords with his general teleological conception. The contradiction in question in his »Politics« may therefore be solved by making the view of the whole decisive, while the plurality is primarily to be looked upon as »matter«, as the subordinate, or, to use modern terms: from a sociological standpoint the State is a plurality, but from an ethical or teleological standpoint it is a unity, an organism. Hence here we also get an immaterial organism, related to the conception in Plato and in the universalistic political philosophy in general. Pohlenz, for instance, who is known as a conscien-

¹³ Op. cit., I. 2; Nicomachean Ethics, Bk IX, ch 9

¹⁴ Politics, VIII 1

tious and reliable investigator, considered the ethical point of view as being Aristotle's essential one, and even denies that it was Aristotle's intention to stop short at the conception of the State as a plurality, as a collective unity, for »daran hält er durchaus fest, dass der Staat ein organisches, über den Individuen, die nur als Teile des Ganzen ihr Wesen entfalten, stehendes Gebilde mit eigenen Aufgaben und Zielen ist».¹⁵ And there is no escaping the fact that in his final definition of the State, where the sociological element comes into its own, Aristotle emphasizes the State more as an organism than as a plurality. His definition of the State is to this effect: »When several villages are united in a single complete community, large enough to be nearly or quite self-sufficing, the state comes into existence, originating in the bare needs of life, and continuing in existence for the sake of a good life. And therefore, if the earlier forms of society are natural, so is the state, for it is the end of them, and the nature of a thing is its end».¹⁶

For our purpose it suffices to assert, without making ourselves arbitrators between the two tendencies in Aristotle, that he never lost sight of the ethical point of view. We find it, not least of all, in the »Nicomachean Ethics». He contends here that ethics, whose task is to investigate the good and the highest, must belong to the science that is the leading one in the strictest sense of the word, and »that is manifestly Politics». Ethics is therefore a part of political science.¹⁷ Justice is comprehended in all morality, but justice is something that appertains to the State alone, for »the administration of justice, which is the determination of what is just, is the principle of order in political society».¹⁸ This accentuation of the intimate interdependence between moral good and the State

¹⁵ Op. cit., p. 112

¹⁶ Politics, I 2.

¹⁷ Nicomachean Ethics, I 1.

¹⁸ Politics, I 2

was the reason that both Aristotle and Plato have been ranked as the forerunners of universalistic political philosophy, not least of all by Hegel and Bosanquet

c. City-State, World-State, Nation-State.

With Aristotle distinctive Greek political philosophy came to an end. This was but natural, since, after Plato and Aristotle, political life assumed other forms in Greece, and hence the Greek classical theory of Society lost its basis of experience. »This philosophy, like all genuine philosophy, was an interpretation of the experience presented to it»,¹⁹ as Bosanquet rightly says. So when a new period broke in, it also brought with it different material for political philosophy. Stoicism and Epicureanism had not the City-State as the ideal of the State, its place being taken by cosmopolitanism, the idea of humanity. The new unity could not be the State, the community, for here man felt no longer at home. The individual had to take refuge in his own self. The universalistic theory of the State, which attributed to the State a self-existent value from which man's value was derived, was now replaced by the individualistic conception of natural right, which in the State saw a creation constructed from the aspirations of individuals. The individual could best attain the basis for a good life independently of the State, for natural rights were inherent in man from birth and State interference would only imply an illegitimate encroachment.

Nor could the Roman Empire form a foundation for any other view. Here the State itself had striven to realize the cosmopolitical idea. Roman law could not therefore acquire the same concreteness as the legal system had possessed in the Greek City-State. It became formalistic, and was only an external support for the individual. It did not, however, stand altogether aloof from good and evil. A merit in it, Bosanquet

¹⁹ Op cit, p 5

considers, is that it recognized man's natural rights and hence something in man that ought to be respected, belonging as it did to man's moral equipment, namely freedom and reason.²⁰ But the deepest in Plato's and Aristotle's central ideas was unknown to the political thought of this period. Plato's politico-philosophical theories appeared to be forgotten. In Neo-Platonism his philosophy, certainly survived for a considerable time, but of his political philosophy it was, strictly speaking, only the more utopian elements that came under discussion. And from the fifth century for a thousand years Plato's political philosophy fell to all intents and purposes into oblivion.²¹ A better lot favoured Aristotle, whose theories are to be met with again in the greatest political theorist of the Roman epoch, Cicero. Aristotle's constitutional theories could not but claim attention in a juridically established epoch, and his discourse on man's «nature» was thought to lend support to the doctrine of natural rights.

It has been said that the Roman Empire was an organization without soul.²² The ground was therefore prepared for the reception of a Christian political philosophy: the religion established a bond with the individual as such and the ecclesiastical organisation could give him what external support he needed. Here was accordingly a soul and a body, the church was completely real, Hegel might say. The State, on the other hand, became more an external fact of force without a soul. And this it was to several thinkers of the Middle Ages, especially Augustine. In Thomas Aquinas, the greatest

²⁰ Op. cit., p. 10.

²¹ Barker, *Greek Political Theory*, Lond., 1918, p. 383. »For a thousand years the Republic has no history: for a thousand years it simply disappeared. From the days of Proclus, the Neo-Platonist of the fifth century, almost until the days of Marsilio Ficino and Pico della Mirandola, at the end of the fifteenth, the Republic was practically a lost book.»

²² Morris, *A History of Political Ideas*, Lond., 1924, p. 57.

philosopher of mediaeval times, we find, however, a higher appreciation of the State. But he stood on the threshold of a new period, and in him the Aristotelian political philosophy had come entirely into its own. Thomas has therefore even been regarded as a representative of the universalistic philosophy of the State: »In allem Entscheidenden ist die Konzeption durchaus universalistisch und organisch.«²³

But, as Bosanquet rightly emphasizes, not until the Nation-State came into being could those conditions exist, which had inspired Plato's and Aristotle's political philosophy. »The growth of Nation-States in modern Europe was in progress, we are told, from the ninth to the fifteenth century.« And now political philosophy in its strict sense could step in again by attaching itself to Aristotle.²⁴ We may also add that it was probably at this point that the term State (stato) was used for the first time in Political Science. Through Machiavelli the new State not only received a new theory, but also with this its terminological determination.

d. The Idea of the »Power» State.

Few can have had their theories discussed to such an extent as Machiavelli. Usually he has been held to be the Philosopher of Power *par excellence*, he who had glorified harsh egoistic striving for power at the cost of ideal and moral values. On the other hand, from other sources, not least of all in the idealistic philosophy of the State or from those classed here, he has met with high appreciation. Rousseau, Spinoza, Fichte, Hegel as well as in our days the Neo-Hegelians, and especially Meinecke, have not hesitated to award him a seat of honour. His great influence on the idealistic philosophy of the State and his service in having expounded one of the most difficult problems of political

²³ Holstein, op cit., p. 46

²⁴ Bosanquet, op cit, pp. 10 ff.

philosophy give us reason to dwell a while on his political theories.

What has Machiavelli, with his egoistic views on morality, in common with the ethical State idea of idealistic philosophy? It may be said at the outset that there are immensely great differences. But both Machiavelli and the idealistic political philosophers sought to see in the State a self-existent being, equipped with its own laws and with its own ends of action and its own reason, »Reason of State«, which indicates the maxim for the conduct of the State. The State, as Bosanquet says in one place, is »the guardian of a whole moral world«²⁵ The reason that the cleft has nevertheless grown so wide as it has lies in their different methods, partly in the different conceptions of individual morals, where Machiavelli upheld egoism. Machiavelli sought to study State life purely empirically, whereas universalistic philosophy indulged in philosophical-ethical speculations on the importance of the State for the highest values of the individual. Had Machiavelli, instead of stressing the greatness of princes, emphasized the greatness of the State and its importance for the individual, he would in all probability not have aroused such intense opposition. This can be seen from the fact that his work on »La prima decadi Tito Livio«, which has the greatness of the State as its end, was regarded as the antithesis of »Il Principe«. Especially is this maintained in Janet.²⁷ But Janet is overlooking the fact that to Machiavelli the State was identified with the prince, a view that was not foreign to the ideas of that time. The greatness of the prince could therefore imply the greatness of the State. Indeed, that he deemed the State, or perhaps one might say the Nation, as the primary, can be seen in »Il Principe«, where he exhorts the house of Medici to place itself at the

²⁵ Ideals, p. 278

²⁶ Cf. Holstein, op. cit., p. 55

²⁷ Op. cit., I, pp. 533 f.

head of an Italian campaign for emancipation. Do not therefore let the opportunity to rescue long-oppressed Italy pass without avail».²⁸

But if the power of the prince is regarded as necessary for the educative work of a State, the explanation is found of the bond between idealistic political philosophy and Machiavelli. Meinecke's interpretation takes this direction: »Denn ohne die rohen, mit Schrecken und Grauen durchwirkten Machtzusammenballungen vorzeitlicher Despoten und Herrscherkasten wäre es nicht zu Grundung von Staaten und zur Erziehung der Menschen für grosse überindividuelle Aufgaben gekommen».²⁹ Here Meinecke is in accord with Bosanquet: »Force, it may be suggested, is necessary and permissible in inverse ratio to political maturity.»³⁰ Thus, even from the standpoint of individual morals, princely authority may have its justification.

The other difference between Machiavelli and Idealism was the different conception of individual morals. For Machiavelli the highest virtue (*virtù*) existed in the highest intellectual and volitional development of power.³¹ This virtue was best realized in the statesman, who to Machiavelli was the truest ideal. Both the private individual and the statesman stood, to be sure, under the law of necessity, but the statesman had also to exhibit statecraft. »Reason of State», i. e. the necessity for the State to uphold and preserve itself. Accordingly, the statesman was prescribed a higher duty than the private individual. But a difficulty arises if the question is asked: Cannot the private individual be allowed to do the same acts as the statesman? Do not both stand under the law of necessity? Machiavelli's glorification of Caesar Borgia and the dedication of »Il Principe» to Lorenzo Medici permit the

²⁸ Il Principe, ch 26

²⁹ Die Idee der Staatsrason, Munch. & Berl., 1925, p. 5

³⁰ Ideals, p. 267

³¹ Meinecke, op cit., p. 46

conclusion that even the private individual may follow Machiavelli's recommendation to the prince to the effect that: 'he should be righteous as long as he can, but if it becomes necessary, he should also know how to take the path of crime'.³² The corollary would be: I have the right to do what I like against the State so long as I am successful, just as the State has the right to do what it likes against me. This was the problem that Hobbes and Spinoza, in spite of their initial assumption about power, endeavoured to solve, each in his way.

Like Machiavelli, Hobbes also considered that what is necessary is rational, and what is rational is also good and right. The first command of reason is self-preservation, and therefore self-preservation and self-assertion are also for Hobbes the kernel of morality.³³ And like Machiavelli, Hobbes also identified the State with the sovereign, in authority above all citizens. But there was a difference. The State, to be sure, could only be upheld by force, but it was the State that created law and custom, for in the state of nature with its war of all against all no morality was possible. The private individual therefore acted wrongly if he did not obey the commands of the State or the sovereign Prince,³⁴ for otherwise all morality would be swept aside. The private person therefore had certain rules to follow, while in Machiavelli self-sufficing egoism was enough.

With Machiavelli's and Hobbes's starting-points, such a theory as Hobbes's is one of the most consistent theories of the State that the history of Political Theory has to show. But, thanks to its logical lucidity and consistency, it also exposes the point at which criticism of a philosophical theory of the State as Power should be directed. It is the premises, not the conclusions, that offer a point of attack to those

³² *Il Principe*, ch. 18.

³³ Janet, *op. cit.*, II, p. 198.

³⁴ Assarsson, *Om Spinozas statslära och dess förhållande till Hobbes' och Rousseaus*, Lund, 1864, pp. 5 ff.

unwilling to accept this political theory. This is what, according to several of his interpreters.³⁵ Spinoza did not perceive. His starting-point is the naturalistic natural right, but his result is an idealistic law based on reason. It has therefore been said that Spinoza is a connecting link between Hobbes and Rousseau. »For the former (Hobbes) has developed from the starting-point that was Spinoza's original one an opinion that Spinoza ought also to have accepted as right. Rousseau, again, has pronounced without reflection the consequences of the assumption at which Spinoza arrived through a modification of his starting-point».³⁶ However, the contradiction may not be so great as it seemed at first sight, for Spinoza's conception of power does not appear to be exclusively built upon a naturalistic basis. It is no doubt also on this account that Bosanquet is able to declare his full accession to Spinoza, turning against Green because the latter had not perceived the right relation between Power and natural right.³⁷ In view of the importance Bosanquet attached to Spinoza's political conception, particularly to the relation between might and right, we will see what can be ranged within an idealistic philosophy of the State.

Like Machiavelli and Hobbes, Spinoza also sets out from the instinct of self-preservation, which in the state of nature finds expression in the war of all against all. Every man's power is also his right. Machiavelli stopped here. Hobbes went on and considered the right of the State or the Prince to be the only right, but it was of the same kind as natural right. Spinoza holds a vacillating position. In the natural

³⁵ Janet, *op. cit.*, II, p. 260, Assarsson, *op. cit.*, p. 2, Nyblæus, *Om statsmaktens grund och vasende*, Lund, 1882, p. 28, Green, *Lectures on the Principles of Political Obligation*, Works II, Lond., 1886, § 36

³⁶ Assarsson, *op. cit.*, p. 2

³⁷ *Theory of State*, p. XIII Bosanquet has dealt with Spinoza's theory in the interpretation given by R. A. Duff in his work »Spinoza's Political and Ethical Philosophy»

state the passions hold sway and the people are entitled to live according to their own will, in the measure of their power to do so.³⁸ The State, however, must rest on reason, and its end is peace and security, even if war is not excluded.³⁹ Janet makes a good summarization of Spinoza's meaning when he says that »la fin de l'État est de faire vivre les hommes en concorde et en paix, dans la justice et la charité, de leur inspirer l'amour au lieu de la haine, enfin de les placer sous le gouvernement de la raison, principe de la liberté».⁴⁰ On the other hand, Spinoza says that natural right is not attainable for the individual in the state of nature, as the right of one individual is suppressed by that of the other, but only in a community.⁴¹ Therefore natural right is also embodied in the State, although not so that it is possible for its members to live according to their own caprice, because in the political as well as the natural society man acts according to the laws of his nature and thinks of his own advantage.⁴² It is easy to understand any disinclination to acquit Spinoza of obscurity and inconsistency.

There is however a way out of this difficulty. Spinoza emphasized that man cannot live outside the juridical community.⁴³ Therefore the state of nature must be assumed to be fictive. Professor H. Larsson, who is inclined to see consistency in the actual leading idea in Spinoza, holds that he is none the less guilty of an error in at times forgetting that the state of nature is a fiction. And moreover, Spinoza ought not to have called Might in the natural state Right in the moral sense, seeing that this state is non-moral, stands outside right

³⁸ Spinoza, *Tractatus politicus*, ch. 2, §§ 14, 15.

³⁹ *Op. cit.*, 5.2; 6.4.

⁴⁰ *Op. cit.*, II., p. 253.

⁴¹ *Tract. pol.*, 2: 15.

⁴² *Op. cit.*, 3: 3; Cf. Janet, *op. cit.*, p. 255.

⁴³ *Op. cit.*, 1.3

and wrong⁴⁴ — the same objection as we find in Green⁴⁵ The criticism might therefore according to H. Larsson be summarized thus, that in his eagerness »to insist on every rational act being persistently also a causal act» Spinoza is induced »to reduce the act gradually to merely a causal act».⁴⁶ Human acts are the outcome of a necessity of reason, and therefore the State can also be founded on this same reason; a state of nature entirely devoid of reason is only a fiction, for it also belongs to man's nature to live conformably to reason.

But this does not mean that power need be identical with crude force. To Nyblæus' criticism of Spinoza for inconsistently holding to both crude force and a rational purpose in the State, H. Larsson rightly objects that there is no absolute difference between these notions in Spinoza, for then Spinozism would be reduced to nonsense.⁴⁷ As a matter of fact, it is remarkable that there has been a greater tendency to see crude force than rational power in Spinoza's conception of power. Clearly and distinctly Spinoza explains from the beginning that the law of nature is the means by which God's power operates. For, as God has the right to do everything he deems fit, and as God's right is nothing else but God's power, it follows that every natural object has from nature as much right as it has power for its being and working. And this power is nothing else but God's own absolute free power.»⁴⁸ And this quotation can be sustained by Spinoza's principal thesis: *Deus sive natura*. It is this thought in Spinoza, that power is an emanation of God's might, God's reason, that Bosanquet has seized upon. Through God's reason the State has been assigned its place in the world, has on this account its own laws and an existence of its own. According to

⁴⁴ Larsson, Spinoza, Sthlm, 1931, pp. 219 f.

⁴⁵ Green, op. cit., § 36

⁴⁶ Larsson, op. cit., p. 219

⁴⁷ Larsson, op. cit., pp. 488 f., Nyblæus, op. cit., pp. 26 ff.

⁴⁸ Spinoza, op. cit., 2:3 (abbrev. cit.).

Bosanquet one must not allow oneself to be confused by the fact that the State acts at times contrary to the moral sense of the individual, for the nature of the State and the function of the State are other than those of the private individual.⁴⁹ This is somewhat reminiscent of Machiavellism, to which, indeed, Spinoza quite frankly attaches himself.⁵⁰ We have seen, however, that there is a certain difference, and it must be the duty of the coming account to show how Bosanquet more fully developed his theory of the relations between the power and the moral ends of the State.

Idealistic political philosophy could not therefore stop short at Spinoza. The interrelations between State, individual, and morality were not always consistently treated, even if the philosophical and metaphysical foundations were present for an idealistic philosophy of the State in its strict sense. Spinoza had not succeeded in divorcing himself from the conception of the State as resting on a contract, originated to ensure peace and security for the people,⁵¹ even if this view was something more than an expression for the State as a guardian institution for life and property, and often acquired a positive ethical meaning. The laws were only conventional rules, which the State even had the right to override,⁵² and they could not guarantee any freedom in the strict sense.⁵³ Such a system of law would then be independent of a positively ethical basis, it has not been attached, as Hans Larsson would say, to »the ethical demand for communion».⁵⁴

It was left to Montesquieu and Vico to give »a new meaning to the dry formulae of law by showing the sap of society

⁴⁹ Bosanquet, *op. cit.*, pp. XIV f.

⁵⁰ *Op. cit.*, 5:7. Cf. *Theory of State*, p. XIV. — Here, of course, it is not a question of the Machiavellism that is often found in current representations of Machiavelli's theory.

⁵¹ Spinoza, *op. cit.*, 1:6, 5:2

⁵² *Op. cit.*, 4:5.

⁵³ *Op. cit.*, 7:2.

⁵⁴ *Op. cit.*, p. 224.

circulating within them»,⁵⁵ «a recognition of the fundamental unity of a national civilisation».⁵⁶ The laws received a soul, a Spirit (*l'esprit des lois*) and Rousseau had allotted to him the task of systematically shaping this new doctrine.

e. Rousseau.

It has been said that Rousseau put the great finishing touch to the eighteenth century political thought of Western Europe;⁵⁷ it may be said with equal justice that he made the first contribution to the next century's politico-philosophical speculation. From and during Rousseau's time the universalistic philosophy of the State began to grow in strength, and the first representatives of this political philosophy, Plato and Aristotle, underwent a revival. Like them Rousseau sought to bring about a union between the moral ends of the State and the individual, to unite what natural-right speculation had divorced. We shall see, however, that even Rousseau did not entirely succeed in his efforts, but the guiding principle he set up still retains its undisputed validity. Political theorists of our days have, to use the words of the eminent English political theorist Vaughan, recognised that it is impossible to divorce Politics from Morals; and they have recognised the necessity of studying both Politics and Morals in the light of their historical development».⁵⁸ And it was Rousseau who cleared the ground for them.

There are particularly two ideas that had a fruitful influence on idealistic philosophy, namely Freedom and the General Will. A new positive conception of freedom replaced the abstract idea based on natural right, and volonté générale expressed true social unity. If Kant and Fichte

⁵⁵ Theory of State, p. 12.

⁵⁶ Op. cit., p. 38.

⁵⁷ Holstein, op. cit., p. 80

⁵⁸ Vaughan, Studies in the History of Political Philosophy, Manch., 1925, II, p. 65.

came to attach themselves more to the natural-right elements that were left in Rousseau's system, Hegel took the whole step and acknowledged the new and vital force in Rousseau's two fundamental ideas, which later, especially the conception of freedom, became the central ideas in all Hegelian political philosophy. Rousseau's greatest triumph was scored in British Neo-Hegelianism, more especially in Green and Bosanquet. It may therefore be asserted without exaggeration that modern British idealism not only marks a revival of Hegelianism, but also a renaissance of Rousseau. Thus, for instance, in Bosanquet both the bearings of the politico-philosophical problem and the terminology have their source to an essential extent in Rousseau's »Contrat Social». An account of these basic ideas is therefore necessary in this work. In this way we also profit in another direction: in a period of transition it is easier to find the motive and substratum of a pioneer theory. It is seen why the old theory must yield and the new one take its place, likewise what must be done to make the new theory coherent and consistent.

Many have perhaps considered it surprising that Rousseau has been able to exercise any great influence on the universalistic theory of the State. Was he not a pronounced individualist?⁵⁹ But they had only the two prize-essays in mind, and in the »Contrat Social» noticed only the individualistic elements. It has almost become a tradition to judge Rousseau by his earlier hostile attitude towards the then-existing culture and his appeal to humanity for a return to nature. But, and we cannot emphasize it sufficiently, Rousseau found himself in a transitional period, and it would therefore have demanded preternatural powers for him to free himself all at once from the dominant ideas of the time. When Rousseau is being placed, his chief works must be

⁵⁹ For instance, S. J. Boethius unhesitatingly describes Rousseau as an individualist. Om Statslivet, Sthlm, 1916, p. 194.

ascribed greater importance than his smaller and earlier ones, and his universalistic tendencies should be emphasized more strongly than his natural-right speculations. It is often only his terminology that is old, while his ideas are new. He has not always been able to procure new bottles for the new wine, but the appearance of the vessel must not blind us to the nature of its contents. Rousseau should not therefore be called an individualist; it may even be incorrect to call him a universalist. Indeed, it would no doubt be best to avoid attaching any label to his political philosophy. We must content ourselves with concurring in Barker's description of him, that his goal was »the collectivist theory of the State», but that he never escaped the individualistic theory. »It is one of the fascinations of the *Contrat Social* that it shows Rousseau struggling through an individualistic terminology, and with occasional lapses into real individualism, to the theory of collective social control.»⁶⁰

Before discussing his *Contrat Social* we must consider some ideas in his two prize essays, which cast some light on his later thoughts. There are differences between Rousseau's earlier and later conceptions, but they are not so great as is often asserted. Many are so fascinated by Rousseau's glorification of the state of nature that they have not given themselves time to gather a clear understanding of what he means by this conception.⁶¹ Yet Rousseau has made such clear statements that any misunderstanding might have been avoided. In, for instance, his first prize-essay: »Discours sur les sciences et les arts», he says that human nature was not better in the state of nature than it is now, but, as people

⁶⁰ Barker, op cit, p. 388 and note

⁶¹ It ought, in fact, to be a reminder to many that Rousseau himself regards his first prize-essay as »tout au plus médiocre» (J. J. Rousseau, *Œuvres complètes*, I, Paris, 1909, p. 1), and adds in his *Confessions* that it is devoid of all logic and coherence and of all works the weakest in ratiocination (See H. Larsson, *Minimum*, Sthlm, 1935, p. 90.)

were then sincerer, simpler and freer than in the present social state with its artificialities. they found *sécurité dans la facilité de se pénétrer réciproquement*.⁶² And in the second prize-essay, *Discours sur l'origine de l'inégalité parmi les hommes*, Rousseau is quite definite when he declares that it is »un état qui n'existe plus, qui n'a peut-être point existé, qui probablement n'existera jamais, et dont il est pourtant nécessaire d'avoir des notions justes, pour bien juger de notre état présent». ⁶³ Can it be more explicitly asserted that the state of nature is not an historic or prehistoric reality but only a fiction utilized for the practical purpose of bringing into prominence the artificial and degenerative nature of man's present customs?⁶⁴ Thus, Rousseau does not seek to go back to a primitive state but to the natural one as contrasted with the artificial.⁶⁴ It is not against culture as such, against art and science, that in his first prize-essay he directs his attack, but against their degeneration. Bosanquet rightly points out that true science has not much to fear from a man who speaks of Newton, Descartes and Bacon as »d'éducateurs de la race humaine». ⁶⁵ And Rousseau concludes his essay with the hope that true science, which had so long been suppressed, will have a chance of showing what it can do for human happiness.⁶⁶

The second prize-essay is a critique against the injustices in the present community. The moral and political inequalities no longer correspond to the physical and mental inequalities.⁶⁷

⁶² Rousseau, op. cit., p. 4.

⁶³ Œuvres complètes, I, p. 79.

⁶⁴ Mackenzie, Outlines of Social Philosophy, p. 132, H. Larsson, op. cit., pp. 90, 100.

⁶⁵ Bosanquet, Les idées politiques de Rousseau, Rev. de métaphysique et de morale, 1912, p. 324. Cf. Theory of State, p. 80, Rousseau, op. cit., p. 47.

⁶⁶ Rousseau, op. cit., p. 20.

⁶⁷ Op. cit., p. 83.

Therefore Rousseau wants a return to nature, to the ›original‹ balance of the natural state. In his enthusiasm for this state of nature he often goes too far; so that at times it seems as if he were assailing the community and political restraint in general.

These excesses are entirely absent in *Contrat Social*. Man could not return to the state of nature, he was in social fetters, and therefore the only thing was to show whether the State, as conditions now were, had any justification. Accordingly, his first step was to establish on what foundations the State rested. But at the very outset he was compelled to make a choice. Should he select the foundations on which a State ought to be built up, or the foundations on which the existing States actually rest. His decision fell in the same direction as that of the idealistic political philosopher: to study the State such as it is when it is at its best. This is more especially Hegel's and Bosanquet's method. Rousseau expresses this thought in his introductory words to the *Contrat social*: Je veux chercher si, dans l'ordre civil, il peut y avoir quelque règle d'administration légitime et sûre, en prenant les hommes tels qu'ils sont et les lois telles qu'elles peuvent être.⁶⁸ It should not cause surprise if with such a methodological principle there is a liability to be led from Reality to Utopia, nor has Rousseau managed to escape this pitfall. As a lapse of this nature only ensues from erroneous application of the method, we will not enter into Rousseau's exposition of how the best State should be organized, but will confine ourselves to the theoretical development of the principle in Rousseau.

Even in his *Discours sur l'inégalité* Rousseau had already definitely rejected Hobbes's thesis that the community rests on violence or power⁶⁹ and had sought in the Will a more stable base for the social structure. In the *Contrat Social* he

⁶⁸ *Contrat Social*, Bk I, Introd.

⁶⁹ *Op. cit.*, pp. 82, 121.

developed this theory further and more consistently than in the first-mentioned essay, where his struggle against the prevalent civil conditions frequently obscured his meaning. — The civil order is »a sacred Right«, it is not based on nature, but on convention. This consists in each putting »en commun sa personne et toute sa puissance sous la suprême direction de la volonté générale« and as »chacun se donnant à tous ne se donne à personne; et comme il n'y a pas un associé sur lequel on n'acquière le même droit qu'on lui cède sur soi, on gagne l'équivalent de tout ce qu'on perd, et plus de force pour conserver ce qu'on a.«⁷⁰ From this the conclusion can be drawn: therefore the State is not evil, but has a profitable function to fulfil for individuals, and hence the existence of the State is shown to be justified. It then becomes a matter of subordinate importance if this contract is an historical reality or merely a fiction as it is to Rousseau. He has only wanted to show on what ground a State ought to be built up to be able to represent the interests of the individual. There is here, of course, a weak point in the contractual theories, for if an existing State cannot exhibit a justified element of this description, is the individual then not entitled to disclaim his contract? Kant tried to get round this difficulty by making the contract a regulative idea,⁷¹ and it thereby received more meaning.

In his contract theory, therefore, Rousseau still stands in the sphere of natural-right ideas. His attempt to synthesize Right and morals by founding the State on Will, not on Force, is a step in the right direction, but, as he first isolated the individuals in order to bring them together into one unity, there arose here a contradiction from which he was subsequently unable to liberate himself. But once this unity was formed, he abandoned his individualistic starting-points. His

⁷⁰ Contrat Social, Bk I, ch. 6

⁷¹ Metaphysik der Sitten, Rechtslehre, Wke, III, Lpz., 1913, § 47, Cf Radbruch, op cit., p 108

»Contrat Social» might therefore according to Barker more suitably be called »De l'organisme social». ⁷² What is new in Rousseau's exposition of the problem has received a clear recapitulation at the hands of Bosanquet: »(a) The negative relation of the self to other selves begins to dissolve away before the conception of the common self; and (b) the negative relation of the self to law and government begins to disappear in the idea of a law which expresses our real will, as opposed to our trivial and rebellious moods». ⁷³ This embraces Rousseau's two basic conceptions. General Will and Freedom. The importance of these conceptions from a universalistic point of view will be the next subject for our consideration.

»L'homme est né libre, et partout il est dans les fers.» ⁷⁴ This frequently quoted saying is usually employed as a fully valid expression of Rousseau's idea of freedom, and then the conclusion is drawn that the civil order is evil because it deprives man of his freedom. A correct understanding of this conception of freedom, however, can only be got by continuing the quotation, which but few appear to do. »Tel se croit le maître des autres, qui ne laisse pas d'être plus esclave qu'eux.» There peeps forth here the outline of a conception of freedom that does not mean freedom from civil bonds, but ethical freedom. It is not always the masters of the community who are the freest, but the oppressed may enjoy more (true) freedom than their oppressors. To Rousseau's predecessors as well as later to Bentham, Mill, and Spencer, freedom meant

⁷² Op. cit., p. 389

⁷³ Theory of State, p. 95

⁷⁴ Contrat Social, 1:1 Barker dismisses this saying on the ground that Rousseau was an epigrammist, and declares that he (Rousseau) has had to pay dearly »for beginning his work with an epigram. If he had immediately added a second epigram, and if he had continued, 'But it is just and proper that he should be in chains, if only the chains are just and proper, and government is selfjustified, if only it is selfgovernment', he would have saved unwary readers from a pitfall, and himself from the penalty of misconstruction.» (Op. cit., p. 389 n)

freedom from the law. to Rousseau, and after him the German idealists, freedom came to signify freedom under the law. The freedom founded on natural right was in Rousseau's view the liberty *qui n'a pour bornes que les forces de l'individu*.⁷⁵ But in virtue of the social contract this freedom has been succeeded by civil liberty, which in its turn is a necessary condition for moral freedom. This is true freedom and can only be realized in a social order. It consists in man's mastery over his instincts and desires in obedience to the law that man has given himself.⁷⁶ Freedom is not arbitrary but, as Cassirer, one of Rousseau's universalistic interpreters, expresses it, »die Bindung an ein strenges und unverbrüchliches Gesetz» which the individual sets up over himself. ((The State merely places the individual under an obligation which the latter himself considers valid and necessary and which he therefore sanctions.⁷⁷)) It is on this account Rousseau ventures upon the paradoxically-sounding assertion that the State forces man to be free.⁷⁸ If there is any meaning in such an assertion, it must imply that there is in man another will than the so-called empirical or psychological will, that is to say, the individual ought to will something else than what he now actually wills. It is only this »Ought-Will» that can be attributed freedom, for the empirical will is bound by external factors. An analogue is to be found in Kelsen, who in reality would not concede that freedom is a quality of the will, but only of a »Sollen» (Ought). In his opinion, it is not man that is free, but the Ought-system in its personificative expression.⁷⁹ For us the question will now be if Rousseau's conception of liberty is based on an abstract Ought-system,

⁷⁵ Op. cit., 1:8.

⁷⁶ Loc. cit.

⁷⁷ E. Cassirer, Das Problem J. J. Rousseau, Arch. f. Gesch. d. Phil., 1932, p. 512.

⁷⁸ Op. cit., 1:7.

⁷⁹ Staatslehre, pp. 71 f.

or if the will which becomes free through State compulsion, is a concrete, real, will.

To solve this difficulty Rousseau introduces his 'volonté générale'. This will is always right and always strives for the common good; it differs in this from the will of all, 'volonté de tous', which only takes consideration of private interests and which is only a sum of the particular wills.⁶⁰ The general will is qualitative, whereas the will of all is quantitative.⁶¹ According to Bosanquet's definition of 'volonté générale', this is 'the ineradicable impulse of an intelligent being to a good extending beyond itself, in as far as that good takes the form of a common good'.⁶² Rousseau regards the general will as the collective will established by the social contract; i. e. the will of 'un corps moral et collectif',⁶³ which is the community. But if the collective will is always directed to what is right and good, it cannot constitute a compulsion on the good will of the individual, but on the contrary, by restraining the evil will, it can induce man to act justly, to become free. Such a conception presupposes, of course, that behind the empirical self there is a true, actual self that constitutes the essence of man. This self or this will is then conceived as being identical with the social will and, as it is free, self-existent, the ethically highest manifestation, it is also the altogether supreme. Consequently, to Rousseau as to Bosanquet, the general will is the sovereign will of the State.⁶⁴ Rousseau's political conception is therefore ethical: the essence of the State as of the individual is the sovereign will of reason.

If the ethical will of the individual is the same as the

⁶⁰ Op cit, 2-3.

⁶¹ Stammler, *Notion et portée de la volonté générale* chez Jean-Jacques Rousseau, *Rev de mét et mor*, 1912, p 385

⁶² *Theory of State*, p 102

⁶³ Op cit., 1-6

⁶⁴ Op cit, 2 1 f

collective will, a formal will is evaded, and the true will is also concrete. But a reservation must be made here: Is the collective will actually always directed to what is right and good? Or has the community, like the individual, on one hand an empirical, sensuous will, on the other hand, a good will, an Ought. According to Lagerroth, this general will becomes in Rousseau's hands merely a norm, and Ought⁸⁵ that need not always be realized. Rousseau has himself had a vague idea of the difficulty and is not always consistent. At times it seems as if Rousseau must also accept a collective will that does not aim at the Good. The general will, to be sure, cannot in his opinion miss its aim.⁸⁶ But, as the laws are not solely an expression of the general will but must also have an empirical cause, they may obviously be imperfect. And this is also admitted by Rousseau. The people, who occasion the laws, admittedly always desire the best, but they do not always see this of themselves. Therefore they need a leader, a legislator.⁸⁷ But, as Rousseau immediately afterwards says that: »Il faudroit des dieux pour donner des lois aux hommes»,⁸⁸ he has conceded that the laws can be imperfect and that it is impossible to get an infallible legislator. How, then, can the community make the individual free by force?

There is also another way in which Rousseau shows how difficult it is for him to unite the general and the actual will. Other political theorists had evaded the difficulty either, as Hobbes does, by making the collective will actual but not general, or as Locke does, by making it general but not actual.⁸⁹ The possibility of making a synthesis of these two conceptions must, as Bosanquet maintains, consist in insisting »sur la réalité supérieure de quelque chose qui

⁸⁵ Psykologisk verklighet och juridisk fiktion, Lund, 1925, p. 98.

⁸⁶ Contrat Social, 2.3.

⁸⁷ Op cit., 2:6

⁸⁸ Op cit., 2:7.

⁸⁹ Bosanquet, Theory of State, p. 99.

n'est pas un individu humain visible, mais qui est l'esprit ou la pensée sous-jacente d'un corps d'individus'.⁹⁰ But Rousseau ignored this presupposition. To make the general will actual he committed the inconsistency, against his original idea, of making the general will proceed from private interests, from individual wills, for «ôter de ces mêmes volontés les plus et les moins qui s'entre-détruisent, reste pour somme des différences la volonté générale».⁹¹ But where, then, is the guarantee that a »volonté générale» originated in this fashion aims at the common good? Bosanquet illustrates by an exemple the impossibility of deriving, as Rousseau does the general will from the common element in the will of all. If we assume, he says, that Themistocles had lost when he proposed in the Athenian Assembly that instead of distributing the revenue from the silver mines equally among the citizens a fleet should be built — the fleet that fought at Salamis — it would have been a victory for the will of all, not for the general will, even if the proposal had been unanimously rejected.⁹² This example clearly shows how the qualitative »volonté générale» loses its character of having the public good as its object if it is mixed up with the quantitative »volonté de tous», which forces people to be free, for where is the ethical justification in a majority compelling a minority?

Here, the element of the individualistic natural rights led Rousseau into difficulties that he was unable to overcome. And when he was at length forced over to political utopianism, to seeing the general will realized only in the City-State, or more correctly, in a City-State organized in a particular manner, he failed to give an ethical explanation of the real State. The task of purifying and developing the universalistic tendency in Rousseau's system fell to the lot of subsequent philosophy.

⁹⁰ Les idées politiques de Rousseau, pp. 332 f

⁹¹ Contrat Social, 2: 3.

⁹² Theory of State, p. 107.

German Idealism.

As we have seen, two valuable contributions to political thought have been given us by Rousseau. The first consists in his regarding the law as an expression of the ethical will and not, as it was previously viewed, as a compulsion opposed to our liberty. The second consists in his attempt to replace the conception of individuals as isolated from one another by the conception of a general will: »It is not to the will of the isolated atoms, the *volonté de tous*, but to the 'permanent reason' of man as disciplined by Society, the *volonté générale* . . . that he appeals .⁹³

1. Kant.

It was these thoughts which laid the foundations of idealistic philosophy in Germany, and which we find so exquisitely evolved in Hegel. Kant and Fichte had both taken deep impression from Rousseau, but they never fully worked out the consequences of the tendencies of the »Contrat Social». Indeed, one is even tempted to declare that, compared with the Genevan thinker, Kant denotes a retrogression within political philosophy. But it was with Kant as with Spinoza: they had the philosophical fundamentals, though Kant less than Spinoza, but they broke down in applying them to legal and political philosophy. In spite of earnest attempts to bring Right and morals into more intimate connexion with each other,⁹⁴ the whole stopped short at mere starts. As far as Kant is concerned this may have been due to the fact that in his system there was no connecting link between noumena and phenomena, and therefore it was an impossible task for him to bring noumenal freedom into line with concrete political life. For instance, although in his ethics he may make every person a member of a kingdom of ends, in which

⁹³ Vaughan, op cit., II., p. 96.

⁹⁴ Cf. Rechtslehre, pp. 21 f, 207 f. (Akademie-Ausg., p. 219 f., 372 f.)

the citizens live under common laws,⁹⁵ yet he does not obtain the same intimate connexion between the people in the State.

Owing to the sharp line of demarcation he drew between Law or »Right» and morals, Kant was unable to find the basis of the State in ethics. Therefore, when he has to answer the chief question of legal and political philosophy: »Why is Law and State compulsion justified?», he has to seek the answer in the social contract based on natural right.⁹⁶ Here, however, Kant marks an advance on the previous doctrine of natural right, in so far as he lays special stress on the fictive character of the contract, or rather, on its rational character. He will admit no empirical theory of the State,⁹⁷ the legal rules are *a priori* rules, rational rules,⁹⁸ and the object-matter of political theory is »die Form eines Staates überhaupt, d. i. der Staat in der Idee».⁹⁹ Therefore he can also say that the compulsion founded on the social contract possesses the same character as the command of practical reason. »Die Idee einer Staatsverfassung überhaupt, welche zugleich absolutes Geböt der nach Rechtsbegriffen urteilenden praktischen Vernunft für ein jedes Volk ist, ist heilig und unwiderstehlich».¹⁰⁰ In this he differs from his forerunners, who were only able to regard the State as justified on the assumption that the individual had voluntarily given up some of his external liberty to the general will. That the last-mentioned view also acquired large place in Kant's theory of the State, cannot be doubted. This is to be found, for instance, in the premise to his proposition that the legislative authority must accede to the united will of the people, for only in this way can a guarantee of freedom be

⁹⁵ Wke, III, Grundlegung z Metaphysik d Sitten. Lpz., 1917, p. 58 (433)

⁹⁶ Rechtslehre, § 47.

⁹⁷ Op cit, p 33 f (229)

⁹⁸ Op cit., §§ 6, 51.

⁹⁹ Op cit, § 45.

¹⁰⁰ Op cit, p 207 (372)

obtained, seeing that the individual cannot act unjustly against himself. This attitude towards natural right also appears in his definition of State and Law: »Ein Staat (*civitas*) ist die Vereinigung einer Menge von Menschen unter Rechtsgesetzen».¹⁰¹ And by »Rechtsgesetzen» he means »der Inbegriff der Bedingungen, unter denen die Willkür des einen mit der Willkür des anderen nach einem allgemeinen Gesetze der Freiheit zusammen vereinigt werden kann».¹⁰² In these determinations of State and Law, however, the old individualistic natural right does not rule alone. The united will and the general law are not empirical phenomena but creations of practical reason. And thus we once more see how the old and the new wrestle with each other in Kant's theory of the State and of the Law.¹⁰³

Alongside this internal opposition in Kant's political and legal system there is also to be found a difficulty that arises from the previously mentioned dualism in Kant's philosophy, namely the relation between noumena and phenomena, between the intelligible legal order and the empirical State. It has been discussed whether with his view of the State as based on reason Kant has wished to find the substantial foundation of the actual State, or if it is merely a regulative idea, an ideal, how a State *ought* to be constituted.¹⁰⁴ Whichever alternative is chosen, there will be difficulty in maintaining a connexion between the two political conceptions,

¹⁰¹ Op. cit., § 45

¹⁰² Op. cit., pp 34 f. (230)

¹⁰³ Cf. Vaughan, op. cit., II., pp 89 f. »He could never make up his mind whether he meant to plead . . . for freedom as the mere caprice of the individual, or for freedom as scope for the development of his higher faculties . . . He never decided whether to regard the State as a fortuitous aggregate of individuals, or as that without which even individual life would have no moral content nor significance».

¹⁰⁴ Cf. Larenz, Die Rechts- und Staatsphilosophie des deutschen Idealismus und ihre Gegenwartsbedeutung, Handb. d. Phil., Munch. & Berl., 1934, p. 105.

between the intelligible and the empirical State. This applies not least to the latter alternative, towards which Kant seems primarily to lean on account of his conception of the idea as regulative and his contention of Eternal Peace as being the ultimate end of the State. This is also confirmed by »Kritik der reinen Vernunft»: »Eine Verfassung von der grössten menschlichen Freiheit nach Gesetzen, welche machen, dass Jedes Freiheit mit der Anderen ihrer *zusammen bestehen kann . . ., ist doch wenigstens eine nothwendige Idee, die man nicht bloss im ersten Entwurfe einer Staatsverfassung, sondern auch bei allen Gesetzen zum Grunde legen muss, und wobei man anfänglich von den gegenwärtigen Hindernissen abstrahieren muss», obstacles that principally *proceed aus der Vernachlässigung der echten Ideen bei der Gesetzgebung». ¹⁰⁵ This does not, however, explain the actual State. What we learn is merely how a State is to be constituted in order to be perfect, why this perfect State is justified, but nothing in respect of the actual, historical States and the legal orders, least of all the answer to the problem set up in the preceding section regarding the relation between power and ethical order.

The consequence of this dualism and that previously mentioned between Law and Morals is that Kant limits the function of the State to protecting life and property, without any ethical character of its own. In *Rechtslehre* it is the civil law that lays the foundation. It is to protect for the individual »was für das Seine anerkannt werden soll» ¹⁰⁶ that the Social Contract and hence also the State have been instituted. But the State as a constitutional State does not stop at the present State. This is to develop into a World-State, a »Gemeinschaft aller Völker auf Erden», ¹⁰⁷ and overcome the »state of nature that now rules between States. But this State, the »State of Eternal Peace», is also only a »Rechtsstaat».

¹⁰⁵ Wke, I, Lpz., 1913, pp 330 f. (373)

¹⁰⁶ Op. cit., § 44.

¹⁰⁷ Op cit., § 62.

a constitutional State, denn der Friedenszustand ist allein der unter Gesetzen gerichtete Zustand des Mein und Dein in einer Menge einander benachbarter Menschen».¹⁰⁸

Although Kant has made a valuable contribution in many essential points to the politico-theoretical controversy, not least of all by applying the conception of freedom to the State and the Law, yet, as we have seen, there are too many contradictions and difficulties inherent in his theories for political and legal philosophy to pause long here in the course of its development. Political thought was driven irresistibly onward, not only toward a more consistent, but above all toward an ethically more satisfactory, conception of the State and its ends. And just as it was Fichte who extracted the consequences of Kant's epistemology and ethics, so was it left to this same thinker to evolve a political conception more in harmony with the fundamentals of their general philosophy.

2. Fichte.

Fichte did not mould his philosophical system into finished shape all at once, least of all his theories of the State and the Law, which were not brought into harmony with the rest of his philosophical system until the very last years of his life, when »Die Staatslehre« appeared in the year 1813. Notwithstanding this, even in Fichte's first philosophical works there ought to have been found a suitable basis for a universalistic theory, indeed, it may even be said that few philosophical systems are better fitted than Fichte's for a universalistic theory of the State. Just from the strong accentuation of the need of a »Thou« for an »I«, i. e. the need of a communion (»Gemeinschaft«), a bridge could easily be thrown across to the human community or the State as being an indispensable condition for a »Gemeinschaft«.

We now understand that in such circumstances Fichte's political theory had not received the impress of coherence, that

¹⁰⁸ Op. cit., p 186 (355)

there not only existed a sharp contrast between his political ideas and the rest of his philosophy, e. g. metaphysics and ethics, but that within his theory of the State there came to be waged a struggle between those universalistic elements he had obtained from his general philosophic leanings and the individualistic and natural-right features. It would therefore be of interest to follow Fichte in his efforts to establish a coherent system of political philosophy.¹⁰⁹ We should then get a miniature picture of the general philosophical controversy between universalism and individualism, thus obtaining a clearer conception of the opposition between the two tendencies, and of the tenability of their respective arguments. Unfortunately, however, such a course would take us too far from our real goal, and hence we must here confine our attention to the most important of his political speculations, focusing chiefly on his last work; where his final view may be considered to have been formulated most consistently.

Like Rousseau, Fichte started by flinging out an anathema against the prevailing social morals, but the conception of freedom presently came to occupy the centre of the stage, when he had made contact with Kant's writings, of which the second Critique impressed him most.¹⁰⁹ But the conception of freedom which he applied within his theory of Right was not moral, but the political freedom that means freedom from compulsion. Thus, according to his treatise on the French Revolution (1793), the function of the State was only to be a safeguard for external freedom and property. Hence he had the same conception of the social contract as Kant: a purely individualistic interpretation — that only the individual himself can agree to subordinate himself to State compulsion and that he therefore has the right to break the contract.¹¹⁰ Only in this way can the State attain

¹⁰⁹ Cf. Wallner, *Fichte als politischer Denker*, Halle, 1926, pp. 20 ff.

¹¹⁰ J. G. Fichte, Wke, Hrsg v. F. Medicus, VII. Staatsphilosophische Schriften, Hrsg v. H. Schulz u. R. Strecker, Lpz. 1919, p. 45 (Sammtl. Wke. Hrsg v. J. H. Fichte, VI, p. 81)

a legitimate place in existence. And if the State has fulfilled its function so well that conflicts no longer wage around rights of property, then the State, too, has run its course. The State is accordingly only an ephemeral phenomenon in the human community, and when this has become perfect, the State is unnecessary — a line of thought that we shall afterwards find again in the Liberalistic School, more especially in Spencer. As a matter of fact, this sharp demarcation between State and Community that we here find in Fichte¹¹¹ is foreign to strictly idealistic political philosophy; indeed it is a common comment that this philosophy expunges that boundary.

In course of time another tendency appeared, at first only sporadically. In *«Grundlage des Naturrechts»* (1796) we find as a corollary that »sollen überhaupt Menschen sein, so müssen mehrere sein»,¹¹² a proposition concerning which it has been said that here lies »der universalistische Ansatz in Fichtes Denken», though with the addition that Fichte was unable to find »die Realisierung der Gemeinschaftsidee in einer konkreten sozialen Gemeinschaft».¹¹³ It may be surmised, however, that he, too, was on the right road when he held the State to be a »totum», an »organized product of Nature» and not a »compositum»¹¹⁴ Vaughan has therefore said of this work that it is the first in the history of recent political philosophy to prepare the ground for the conception of the State as an organism.¹¹⁵ But how far Fichte was from a consistent working out of this organic conception is revealed by his view, firstly, of the function of the State, which remained the same, protection for the individual and property, secondly, of the citizen's maxim: »liebe dich selbst uber alles, und deine Mithbürger um

¹¹¹ Op. cit., p. 109 (144).

¹¹² Wke, II, p. 43 (III·39)

¹¹³ Larenz, op. cit., p. 113

¹¹⁴ Fichte, op. cit., p. 207 (203).

¹¹⁵ Vaughan, op. cit., II, p. 118.

dein selbst willen». ¹¹⁶ Nor has his organic conception in »Der geschlossene Handelsstaat» (1800) led to other conclusions. Here, he has certainly in the main abandoned the purely liberalistic conception of freedom and landed instead in a pronounced State socialistic or mercantilistic conception of the community, but the unity here is mechanic, economic. ¹¹⁷

Under the influence of external events that had exposed the German nation to danger, another idea, »the Nation, came to occupy the centre of Fichte's interest. Perhaps it was more natural for Fichte to see something more valuable in the Nation than in the State. The community, the social communion, had already taken, at an early stage in his ethics, an important place, which the State with its compulsion could not lay claim to. It was therefore easy for him to bring his conceptions of the Nation and the People into uncontradictory harmony with his ethical conception of communion, especially as he could then eliminate State compulsion. In the feeling for the nation, in patriotism, he found the power that united the people into a higher super-individual unity from which morality and culture could proceed. It is in this idea that Bosanquet has found the valuable and the durable in Fichte's conception of the community, ¹¹⁸ and here Fichte reveals himself as a forerunner of Hegel's »Staatsgesinnung». Still, there is a considerable difference between Fichte's patriotism and Hegel's »Staatsgesinnung». In his »patriotic» writings, among which must above all be reckoned his »Reden an die deutsche Nation» (1808), but also in his treatises from 1807, »Über Machiavell» (though less so) and »Der Patriotismus», Fichte still takes up a certain negative attitude toward the State. As the servant of the nation, however, it acquires a higher function than before, though it still remains merely the coercive State, which only retains the

¹¹⁶ Fichte, op. cit., p. 277 (273)

¹¹⁷ Wallner, op. cit., pp. 135 ff

¹¹⁸ Bosanquet, Ideals, pp. 8 ff

right to exist so long as the community is imperfect.¹¹⁹ It was not until 1813 that through »Die Staatslehre» his political philosophy became a systematic part of his idealistic philosophy, while as yet his »Rechtslehre» of the year 1812 showed no plain signs of the transformation his political philosophy was to undergo only the year after. »Die Staatslehre» presents a consistent elaboration of Fichte's conception of moral freedom in political and legal philosophy. — Freedom, which is the highest good, »das Bild Gottes», consists in acting according to the pure concepts given in the »Wissenschaftslehre».¹²⁰ This freedom belongs to the will, but, as wills may come into conflict with one another and so restrain one another's freedom, there must be a law, a moral law, not the law of physical nature, for such a law cannot influence a free will. This moral law is »das Grundgesetz und der Bürge gleichsam aller sittlichen Gesetze»; »ein sittliches Gebot an alle, als das, was wir alle *sollen* fürs erste begreifen, sodann jeder an seinem Teile befördern».¹²¹ This law is the law of Right. It is true that this law can only guarantee the external conditions of moral freedom, but, as all forms of compulsion also deprive the individual of his internal freedom, the law by preventing this compulsion becomes itself a moral law, being a fundamental principle of all morality.¹²² This it not at variance with the fact that the law of Right is itself armed with compulsive power, since this is not directed against moral freedom but only against those people who by their own acts have made themselves unfree. And then there is another difference between State compulsion and compulsion in general: the exercise of State compulsion must always be accompanied by an explanation of the justice of the compulsion. Therefore the exerciser of power is to be not merely an

¹¹⁹ Wallner, op cit., pp. 190—220.

¹²⁰ Wke, VI, pp. 439 ff. (Sammtl. Wke IV, pp 388 ff.).

¹²¹ Op. cit., p. 443 (392)

¹²² Op. cit., p 480 (432), 488 (440)

executor but also a teacher.¹²³ As is the case in his preceding writings, especially the patriotic, an important place is assigned here to patriotic and moral education.

At this point the difficulties begin. Who is to be the right teacher to judge when compulsion is justified? Here Fichte lapses into utopian speculations. The teacher should be »ein durch Gott selbst in der Stimme des Sittengesetzes eingesetzter Erzieher der Menschheit«, »der Höchste menschliche Verstand seiner Zeit und seines Volkes«.¹²⁴ But who vouches that such a teacher is always to be found? In his »Rechtslehre« Fichte perceived the impossibility of getting a perfect teacher, but in his last work he is more optimistic. This is incidental to the new method he adopts here. It is now primarily a question of a perfect State in the Platonic sense, a State where the kings are philosophers or the philosophers kings.¹²⁵ According to Fichte this method is an application of »the theory of science« to »the theory of Right«. The »theory of science« concerns itself with concepts of pure reason, and therefore it is not the positive conception of Right at which he aims, but Right as »ein schlechthin in der Vernunft liegender, rein apriorischer Begriff«.¹²⁶ and therefore he makes an assault here on Rousseau because the latter's *Contrat Social* is »empirisch, willkürlich«. The object-matter of political and legal philosophy is not any law now in force, but only the moral law in Right »was gegenwärtiges und für die Zeit geltendes Sittengebot am Rechte ist, fällt in unsere Untersuchung, darum *derjenige Teil des Rechtsbegriffes, welcher dermalen noch nicht gilt*«.¹²⁷ The law of Right of which we have spoken before does not therefore reign unconditionally in our present world. The actual juridical systems are only provisional edicts, temporary stages in an evolu-

¹²³ Op. cit., pp. 484 f. (437 f.)

¹²⁴ Op. cit., pp. 488 (440), 492 (414)

¹²⁵ Op. cit., p. 505 (458)

¹²⁶ Op. cit., p. 484 (436)

¹²⁷ Op. cit., p. 444 (393).

tion towards the truly rational law of Right, which we shall never live to see, nor ought we to demand to do so.¹²⁸ However, the trend of evolution will be towards a legal state where the moral law is the law in force. Even if it does not come in our times, yet a true educator will of necessity urge mankind all the way to it. Then there will no longer be needed any compulsion, nor any State, for there Christianity will have become the constitution of the human race.¹²⁹ Man is politically free, only God master.¹³⁰ And at that point Fichte's theory of the State withdraws further from the actual State. »Das von der Vernunft geforderte Reich des Rechts, und das vom Christentume verheissene Reich des Himmels auf der Erde, ist Eins und dasselbe».¹³¹ His Philosophy of State and Law, which at first aimed at dealing with the law prescribed by reason, was thus converted into a Philosophy of Religion. It should perhaps be added that we are not attacking the method that seeks to put the philosophy of the State into connexion with the philosophy of religion, and for Fichte this is a natural consequence of his efforts to subordinate ethics to religion. What must be regarded as inadmissible, however, is to thrust a chiliastic view of the future into political theory, to seek to explain the empirically real State on the basis of a chiliastic-real State, for this is no explanation, still less a justification, of the present State. By doing this Fichte renounced his right to the last word in the politico-philosophical discussion on principles. It became Hegel's task to pass beyond Fichte's first conception by establishing a more consistent, systematic relation between Law and Ethics and Fichte's second conception by making — to use the words of Larenz — »Recht und Staat in das Ganze einer

¹²⁸ Loc cit.

¹²⁹ Op cit., p. 569 (527). — It is especially in an »Exkurse zur Staatslehre» that he introduces the religious view of the future. Pol. Fragmente. Wke, VII., pp. 56 f (VII: 574 f).

¹³⁰ Op. cit., pp 566 (523), 609 (583)

¹³¹ Op cit., p 609 (582).

letztthin in der Religion sich vollendenden Weltansicht einzugliedern und sie zugleich doch in ihrem Eigenwert zu erkennen und bestehen zu lassen.¹³² Before passing on to Hegel, however, we will sum up our criticism, indicating above all on what attitude it is based

We have attacked both Fichte's earlier and later points of view. In his earlier political writings he distinguished between Right and Morals. Is not such a conception advantageous, as Aspelin says, meeting Hegel's criticism of Fichte? "Just in the demand for a sharp fixation of the juridical element in its distinctive character lies the value in Fichte's philosophy of the Law. Its weak point lies in the fact that like other systems of natural right it makes no rigorous distinction between the two fundamentally different processes of logically determining the general structure of positive law and formulating the social ideal by which the given institutions ought to be valued."¹³³ And does not our criticism also conflict with the demand advanced in our first chapter for purity of method? There can however be no question of any contradiction here. What we have wished to urge in our criticism against both Kant and Fichte is that they have dug a wide ditch *within the philosophy* of the State and Right between their legal and ethical views, not that they have distinguished between ethics and positive jurisprudence. It belongs to the task of political philosophy to view State-compulsion and law from a standpoint of value, to demonstrate the justification of the State, and it is this problem that is not always properly posed in Fichte. Hence our criticism; and it is also against this that Hegel's objection is directed. On the other hand, it has by no means been our purpose to consider to what extent Fichte succeeded in constructing a logical, legal foundation for positive law, seeing that he did not regard such an inquiry as his particular task. Fichte

¹³² Larenz, op. cit., p. 130

¹³³ G. Aspelin, *Hegels praktiska filosofi under åren 1800—1803*, Lund, 1925, p. 108.

considered his task to be to answer the political and legal »*questio juris*», i. e. to demonstrate the ends of the State and the Law and to show whether these ends are at bottom ethical or not, in consequence he was obliged to use the ethical method of valuation.

Why do we then level our criticism at Fichte's last political work? There he endeavours to embody political philosophy in the rest of his system of thought, in ethics and religion. But we are not taking exception here at the actual basic method he uses to show the law as a necessary ethical condition for morality in general, but at his chiliastic theories. Whether these are of necessity bound up with his religious fundamentals or not, we will leave open, at all events they need not be so from Fichte's starting-points in »*Die Staatslehre*». Now, however, they fail to explain the real, concrete State. It is only the ideal State that is regarded as justified. But a sound political philosophy must put the ends of the State into intimate connexion with the general ethical and philosophical view.

Is it then perhaps impossible to attain such a connexion, to demonstrate the justification of the State? The answer to this question must be left to our coming account. Here we will only fix the assumptions under which this answer is possible or not. 1. If the State is regarded as a fact from a mechanistic-naturalistic point of view, the question of the justification of the State is meaningless. 2. The State may have a special value, just as Ethics, Aesthetics, Logic, Religion have their characteristic values. Such a view is put forward by, e. g. Gierke. According to Fichte the Nation had in a certain sense such a value, patriotism, but not the State. By demonstrating such a value of its own for the State, the State is justified. 3. If the ethical theory is such that it cannot be brought into conjunction with State reality, the present State can never be shown to be justified. Kant's and Fichte's ethical ideals in political philosophy exhibit this tendency. The doctrine of an ideal State may also be classed here. The utopian elements in Plato's theory

of the State and the chiliastic elements in Fichte's, as well as Kant's doctrine of Eternal Peace, come under this head. 4. The task will be possible, however, if the ethical and the legal or political elements are regarded as necessary conditions for each other. This is the road taken by Hegel. His ethics, as Aspelin says, may therefore be looked upon as belonging to »the type of social idealism»,¹³⁴ and his political philosophy as a combination of »the *a priori* and *a posteriori* aspects in a totality view».¹³⁵ To what extent such ethics and philosophy are possible will be considered later.

3 Hegel.

Hegel went the whole length to the universalistic theory of the State, put political philosophy into intimate connexion with the other philosophical disciplines by including the State and the Law in the system of Reality. Kant and Fichte had stopped short at a fixed ideal for the evolution of the State, with the result that the existing State could not receive any tenable explanation. Hegel, however, took the present, actual State as the object of investigation. He was able to do this because of his general philosophical theory and his conception of reality in special. Everything should be given its place in the Whole. »Das Wahre ist das Ganze» is the starting-point and fundamental postulate of the whole of his philosophy, as is the proposition: »Das Ganze aber ist nur das durch seine Entwicklung sich vollendende Wesen».¹³⁶ What can be included in a whole is also true and real, though this whole is not an absolute ideal beyond our reality, but can only be real if it assimilates its own progress within itself. From the viewpoint of the Whole the finite is a form of revelation of the Absolute. »Das Wirkliche

¹³⁴ Aspelin, op. cit., p. 118.

¹³⁵ Op. cit., p. 121.

¹³⁶ *Phänomenologie des Geistes*, Sammtl. Wke, Hrsg. v. G. Lasson, II, Lpz., 1911, p. 14. Cf. *Encyklopädie*, Sammtl. Wke, V, Lpz., 1911, § 215: »Die Idee ist wesentlich Prozess».

ist Manifestation; es wird durch seine Äusserlichkeit nicht in die Sphäre der Veränderung gezogen, noch ist es Scheinen seiner in einem Andern, sondern es manifestiert sich».¹³⁷ It is in this Whole, in this all-embracing Reality, that the empirical State also has its reality.¹³⁸ Thus, when in the preface to his »Grundlinien der Philosophie des Rechts» Hegel attacks with acerbity the method that seeks to construe the State as it ought to be, at the same time as, he sets up as his end »den Staat als ein in sich Vernünftiges zu begreifen und darzustellen»,¹³⁹ this does not involve a contradiction, or that he would like to make the actual State absolute. What is in Hegel's opinion rational is that which can be shown to be a manifestation of the Absolute. of the Whole. »He seeks to combine the *a priori* and *a posteriori* aspects into a view of the Whole, to live himself into the essence of the community and to interpret its manifestations from within.»¹⁴⁰ If it is possible to look on the actual State as such a manifestation, then the State is rational and hence also real, for: »Was vernünftig ist, das ist wirklich, und was wirklich ist, das ist vernünftig».¹⁴¹ But then what becomes of the actual things that cannot be shown to be rational? Do they become unreal? If not something unreal, at least something less real. If philosophy is to comprehend »ihre Zeit in Gedanken»,¹⁴² the elements that cannot be comprehended in the Whole must be separated out as less real, as merely existential. Or otherwise expressed: he seeks to understand his time, not better than it is, but such as it is when it is as best.¹⁴³ All else is merely something accidental and arbitrary and cannot form

¹³⁷ Wissenschaft der Logik, II, Sammtl. Wke, IV, Lpz., 1923, p. 170.

¹³⁸ We cannot here do Hegel's philosophical system full justice, but must confine ourselves to this rough outline. Our account of Bosanquet's philosophy must supplement our exposition of Hegel.

¹³⁹ Op. cit., p. 15.

¹⁴⁰ Aspelin, op cit., p. 121.

¹⁴¹ Rechtsphilosophie, p. 14.

¹⁴² Op. cit., p. 15.

¹⁴³ Rosenzweig, Hegel und der Staat, Münch. & Berl., 1920, I, p. 107.

anything stable and enduring. »Der Staat ist kein Kunstwerk; er steht in der Welt, somit in der Sphäre der Willkür, des Zufalls und des Irrtums ... Aber der hasslichste Mensch, der Verbrecher, ein Kranker und Kruppel ist immer noch ein lebender Mensch, das Affirmative, das Leben, besteht trotz des Mangels, und um dieses Affirmative ist es hier zu tun.«¹⁴⁴ Does not a factor of value creep in here? Nor is this denied by Hegel, for to him truth, reality and value are identical. But what he desires to stress in the passage quoted by us is that it is not a question of an unrealized value or Ought, but of a value lying in concrete reality itself, i. e. a realized Ought and consequently no longer an Ought in the strict sense. It is not a case here of an ideal, but of an idea. This point will be considered more fully in another connexion.

The above outline must suffice as a general philosophical background for Hegel's theories of the State and the Law, to which we will now pass. — Hegel's political conception was not presented all at once. His earliest adjustment to the political problem approached most closely to that of the individualistic and natural-right theorist. Gradually this gave way to the view of the State »als Teil des Schicksals«,¹⁴⁵ and with this he had practically advanced beyond the individualistic point of view. With his treatises from the first two or three years of the new century Hegel went the whole way to the view which broadly speaking he never abandoned,¹⁴⁶ and whose fundamental assumptions we have just outlined. If any outstanding difference is to be adduced, reference should be made in the first place to his lower estimation of the individual in, e. g. »System der Sittlichkeit« than in his later works. In this work he considers the moral life only to be possible by

¹⁴⁴ Rechtsphilosophie, Zusatz zu § 258, Cf. Zusatz zu § 270

¹⁴⁵ Rosenzweig, op. cit., I, p. 88

¹⁴⁶ Cf. Larenz, op. cit., p. 150

»volliger Vernichtung der Besonderheit«,¹⁴⁷ whereas even as early as in »Phänomenologie« the individual was a necessary condition for the superindividual reality, indeed. »die Seite der Wirklichkeit ist selbst nicht anderes als die Seite der Individualität«,¹⁴⁸ and in »Rechtsphilosophie«: »Das Allgemeine muss also betätigt sein, aber die Subjektivität auf der anderen Seite ganz und lebendig entwickelt werden«. ¹⁴⁹ In the second place, greater stress was laid in his earlier writings on »the people« than on the State. In, e. g. »Über die wissenschaftlichen Behandlungsarten des Naturrechts« we find that »die absolute sittliche Totalität nichts anderes als *ein Volk* ist«, ¹⁵⁰ while, in »Rechtsphilosophie«: »Der Staat ist die Wirklichkeit der sittlichen Idee«. ¹⁵¹ But in actual fact this difference does not amount to much, and it was not invariably carried out in full. ¹⁵² If this fact is borne in mind, it will facilitate our understanding of Hegel's conception of the State. For the State is not an abstract legal formation, a compulsion foreign to the individual, but a concrete communion in which the individual can realize his freedom. It will also give a clearer view of what Hegel means by Objective Mind, which forms the foundation of Right, or otherwise expressed: the philosophy of Right is Objective Mind systematized.

»Der objektive Geist« may be briefly defined as »das sittliche Leben eines Volkes«. ¹⁵³ It stands between Subjective Mind and Absolute Mind. The former is most readily denoted as the consciousness of the individual subject, and is regarded by many interpreters of Hegel — perhaps somewhat schematically

¹⁴⁷ Schriften zur Politik und Rechtsphilosophie, Sammtl. Wke, VII, Lpz., 1913, p. 464, cf p. 465.

¹⁴⁸ Op cit., p 254.

¹⁴⁹ Op cit, Zusatz zu § 260

¹⁵⁰ Sammtl. Wke, VII, p. 371.

¹⁵¹ Op cit., § 257

¹⁵² Cf. Rechtsphilosophie, § 156: »Die sittliche Substanz ... ist der wirkliche Geist einer Familie und eines Volkes«.

¹⁵³ Phänomenologie, p 286.

— as something psychological.¹⁵⁴ The Absolute Mind is the purely spiritual in Art, Religion, and Science. It is strictly speaking only in »Enzyklopädie« that these three conceptions are explicitly brought into relationship with one another, and that the terms are used in their full extension. In his earlier, above-mentioned political works he had not yet worked out the conception of »der objektive Geist«, and therefore the political community came also to bear the character of a religious society.¹⁵⁵ And in his »Rechtsphilosophie« he has substituted »Wille« for »Geist«. An inquiry into this »Wille« in its different manifestations is our next task.

The substance of the will is freedom, and the object of the philosophy of Right is realized freedom.¹⁵⁶ Now this free-will is »an sich« as abstract in the Law (»abstraktes Recht«), »für sich« as subjective, particular in Morality (»Moralität«), and »an und für sich« as a synthesis of the two preceding forms, of notion (»Begriff«) and existence, in the Ethical System (»Sittlichkeit«). These three phases, thesis, antithesis and synthesis, are expressions of one and the same thing, they are not isolated phases but are mutually indicative. Hence Hegel has shown himself to be a follower of methodological pluralism. Of course, the different divisions in »Rechtsphilosophie« cannot be considered to correspond directly to different forms of knowledge of the State, but Hegel has nevertheless disclosed the insufficiency of contemplating only one aspect: He has shown, for instance, that the positive or literal law must pass over into something else, that Bourgeois Society indicates both Law and the Ethical System. His method is to

¹⁵⁴ Rosenzweig (op cit., II, pp 88 f) approaches very near such a conception. Bosanquet (Theory of State, pp 234 f) and Wenke (Hegels Theorie des objektiven Geistes, Halle, 1927, pp 79 f) want to have a super-individual element in »der subjektive Geist«.

¹⁵⁵ Behandlungsarten, p. 396, cf. Lorenz, op cit., p 152. Rosenzweig, op cit., II, p 88.

¹⁵⁶ Rechtsphilosophie, §§ 1, 7.

push a conception to its logical extreme, so that its contradictoriness is brought out and it must therefore become its own opposite or negation.¹⁵⁷

Hegel starts from the will as completely indeterminate, as the abstract universal, devoid of any determinate content. As the will is not a »faculty« within us, but *is* ourselves,¹⁵⁷ the abstract will is »Person«, most nearly in the sense Roman law uses.¹⁵⁸ The form of being that this will or this »person« creates for itself is »das abstrakte Recht«, called by Bosanquet the »letter of the law« or »Shylock's law«, ¹⁵⁹ and ought to be distinguished from the purely ethical conception of Right or Law we find in the Ethical System, in which »das abstrakte Recht« enters as an element. In this distinction of Hegel's we find the great merit over Kant and Fichte that he has understood the distinctive character of positive law, but that simultaneously he saw that it pointed beyond itself. For Hegel it was therefore also possible to regard positive law as individualistic, like Kant and Fichte, without abolishing the universalistic fundamental conception. The »juridical person« as an abstract conception is individualistically conceived; »juridical persons« cannot therefore form any community with one another. The categorical legal imperative therefore runs: »sei eine Person und respektiere die anderen als Personen«. ¹⁶⁰ thus entirely in the Kantian spirit.

Now, if a »person« does not heed this legal imperative, there arises a breach of the law that can be vindicated only by punish-

¹⁵⁷ Cf Busse in Binder, Busse, Larenz, Einführung in Hegels Rechtsphilosophie, Berl., 1931, p. 41

¹⁵⁸ Rechtsphilosophie, § 35 — Great caution is necessary in applying in their entirety the categories of Roman Law to »das abstrakte Recht«, as these are also to be found in, e.g., »Bourgeois Society«. This has been emphasized by Binder (Binder, Busse, Larenz op cit., pp. 82 ff) against Rosenzweig's (op cit., II, pp. 103 f) and Wenke's (op cit., p. 108) conception.

¹⁵⁹ Theory of State, p. 241.

¹⁶⁰ Op cit., § 36

ment, which negates the negation of the law, i. e. expunges the negation and restores the law.¹⁶¹ But in acquiescing in the punishment the »person» acknowledges there is above him something universal which he can include in his individual will.¹⁶² On account of this self-determination the »person» becomes subject. But the individual subject cannot include the universal as a whole within him. This is an Ought which the subject tries to realize. Here we have Kant's moral law and its relation to the individual, and, as Kant called this self-determination »Moralität», Hegel also introduces this term.

What distinguishes this »stage» is that the individual occupies the centre and constitutes the starting-point; hence the individualistic point of view is still in ascendancy. The individual stands here with his own responsibility for his acts and strives with his own powers to attain the universal. But however he may strive, the end — identity with the Absolute — is just as remote,¹⁶³ and we get only a »perennial Ought».¹⁶⁴ To this may be added that the general moral principle, owing to its empty formality, its »duty for duty's sake», does not afford any guidance, for »das Kriterium, dass kein Widerspruch sein solle, erzeugt nichts, da, wo nichts ist, auch kein Widerspruch sein kann».¹⁶⁵ Nor can we escape from this formalism by reference to conscience. Here, to be sure, finitude is overcome and the individual knows what right and duty are.¹⁶⁶ But from the individualistic standpoint of morality, the content of conscience need not have come from concrete morality; the conscience is therefore only pure subjectivity, »die unendliche Gewissheit seiner selbst».¹⁶⁷ Hence there is as great a possi-

¹⁶¹ Op. cit., §§ 97 f.

¹⁶² Op. cit., § 104.

¹⁶³ Op. cit., Zusatz zu § 108. Cf. Bosanquet's philosophy of value.

¹⁶⁴ Op. cit., § 137.

¹⁶⁵ Op. cit., Zusatz zu § 135.

¹⁶⁶ Op. cit., §§ 137 f.

¹⁶⁷ Op. cit., Zusatz zu § 137.

bility of making »die eigene Besonderheit« the principle, a principle that may just as likely sustain pure egoism, the evil. To escape this consequence the individual must recognize himself as a part of the universal, as an element in Objective Mind. The cleft between the universal and the individual is replaced by a relation of immanence, though not so that the individual strives to absorb the universal, but this absorbs the individual instead.¹⁶⁸ The individual must feel himself included in an actual system of selves, feel himself thoroughly leavened with the spirit of the Whole. This concrete identity is the Ethical System (*Sittlichkeit*), which is freedom as Idea, i. e. the unity of the individual and the universal, of the subjective and the objective. We have here the most important principle of the Hegelian philosophy of the State and the Law.¹⁶⁹ »Das Rechtliche und das Moralische kann nicht für sich existieren, und sie müssen das Sittliche zum Trager und zur Grundlage haben, denn dem Rechte fehlt das Moment der Subjektivität, das die Moral wiederum für sich allein hat, und so haben beide Momente für sich keine Wirklichkeit.«¹⁷⁰

The form of reality of this moral idea is the State,¹⁷¹ which is a synthesis of the family and Bourgeois Society. The family is the primary natural basis of the community.¹⁷² It gives birth to the feeling of communion through love; it is not rational and is therefore without, as Bosanquet puts it, »explicit law and system«.¹⁷³ But the individual cannot remain within the family for long. When he has reached maturity, he leaves the family and enters a world of economic and egoistic interests, i. e. Bourgeois Society.¹⁷⁴ The point of view Hegel attaches to this

¹⁶⁸ Wenke, op. cit, pp 111 f.

¹⁶⁹ Bosanquet, Theory of State, p 236

¹⁷⁰ Rechtsphilosophie, Zusatz zu § 141

¹⁷¹ Op. cit, § 257

¹⁷² Op. cit, § 158.

¹⁷³ Theory of State, p 251

¹⁷⁴ Rechtsphilosophie, § 181.

is closely related to that of classical political economy, but through the estates and the corporations the individual acquires a share of the ends of the greater whole, the State.¹⁷⁵ Bourgeois Society therefore requires the State as a base. We can now say that the State comprehends the unity of the feeling that has been created by the family and of the conscious ends of the economic world. As a synthesis there then arises another feeling, patriotism, which has transformed family affection into, to use Bosanquet's expression, »affectionate loyalty» to the State, and economic insight into »political insight».¹⁷⁶ But this patriotism or »Staatsgesinnung», which is the foundation of all political life, does not primarily consist in heroic deeds, but in devotion and loyalty in the station the individual is allotted.¹⁷⁷ a thought that calls to mind Green, Bradley, and Bosanquet, and »My Station and its Duties».

It has already been shown that by the »State» Hegel does not mean merely State organization. It is first and foremost the »Mind» in the State, »der Geist des Volkes».¹⁷⁸ which he has in view. This comes out clearer perhaps in his earlier political works. In »Behandlungsarten», for instance, he likens his conception of the Ethical System and the people to the conditions in the Greek City-State.¹⁷⁹ Hence it may be said that his conception of the Ethical System is Plato's and his conception of the people Aristotle's. In view of this unity of the State and the people, »Staatsgesinnung» and »Sittlichkeit», in Hellenistic social life, it is no longer difficult to understand Hegel's object in making the State the ethical idea, or reality. Nor can the complaint be lodged that Hegel neglects the individual. If any

¹⁷⁵ Op. cit., § 253. Hegel's relation to political economy, see Aspelin, op. cit., pp. 122 ff.

¹⁷⁶ Theory of State, p. 262.

¹⁷⁷ Rechtsphilosophie, § 268.

¹⁷⁸ Op. cit., § 274.

¹⁷⁹ Wke, VII, pp. 392.

reservation is to be made against our analogy to the Greek City-State, it is that Hegel is more disposed to emphasize the freedom and welfare of the individual than the analogy justifies.¹⁸⁰ And when he holds the State to be »das an und für sich Vernünftige» or »absoluter unbewegter Selbstzweck», this does not according to Hegel imply an annihilation of individual freedom, for the rational consists, abstractly seen. »in der sich durchdringenden Einheit der Allgemeinheit und der Einzelheit», and, concretely seen. »in der Einheit der objektiven Freiheit . . . und der subjektiven Freiheit als des individuellen Wissens und seines besondere Zwecke suchenden Willens».¹⁸¹ One must not allow oneself to be led by the conception of the State as an end in-itself to believing that the citizens are therefore means to the actual State. This is also denied by such judges of Hegel as McTaggart and Bosanquet.¹⁸² When Hegel speaks, of the State as an end in itself, his immediate meaning is that the Ethical System is an end for individuals. This relation might according to Bosanquet be illustrated by saying that »the individual in one sense is a means to himself in another sense; that in respect of his irrational will, an element in his actual will, he is a means to his real or rational will».¹⁸³ Then why speak of the State as an end in itself, why not come to the point at once and say »the Ethical System»? But this would not give the essential in Hegel's philosophy: By saying only »the Ethical System» we run the risk of disregarding the existential aspect and of making it, like Morality, an unattainable ideal or an abstraction without reality. To be Idea the conception Ethical System must have, as someone has said,

¹⁸⁰ Op. cit., Zusatz zu § 260.

¹⁸¹ Op. cit., § 258.

¹⁸² McTaggart, *The Conception of Society as an Organism*, *Int. Journ. of Ethics*, VII. p. 415; Bosanquet, *Hegel's Theory of the Political Organism*. *Mind*, 1898, p. 9.

¹⁸³ Op. cit., pp. 8 f

„daseiende Gestalt“¹⁸⁴ The Ethical System is 'ein konkretes Volk in seinem konkreten Staat mit seinem konkreten Recht'.¹⁸⁵

With this conception of the State as the Idea of the Ethical System Rousseau's „volonté générale“ has received a deeper import. Rousseau carried on a hopeless struggle to get a non-contradictory unity of individual and general will. Even if his original intention was to separate „volonté générale“ as ethical will from „volonté de tous“, yet it ultimately became a mean value of the will of all. The rational, i. e. the ethical, did not thereby become something concretely or immanently rational but only an abstract universal, and consequently also something limiting outward freedom: „la liberté civile, qui est limitée par la volonté générale“¹⁸⁶ With Hegel it was now otherwise. He carried Rousseau's initial assumptions to their logical conclusion. By starting from the Ethical System as realized in the State and its institutions, such as „Geist des Volkes“ or „der objektive Geist“ he escaped the necessity of resting it on the individual's will „in seiner eigentümlichen Willkur“¹⁸⁷ And as it was only through the Ethical System, through the general will, that the individual enjoyed full freedom, Hegel could maintain with greater right than Rousseau that the individual could be forced to be free by the general will. Here arises however a difficulty that asserts itself throughout all universalistic philosophy, and it is this: Assuming that the general will is man's true or real will, then need every act of the State *always* be an expression of this general will? We will postpone answering this question until we examine in Bosanquet the fundamental assumptions of the Hegelian political philosophy in greater detail. In that connexion some of Hegel's other political conceptions will be given a clearer and fuller exposition than

¹⁸⁴ Dulckheit, Hegel und der preussische Staat, Zeitschr. f. deutsche Kulturphil., 1935, p. 74

¹⁸⁵ Op. cit., p. 75

¹⁸⁶ Contrat social, I 8.

¹⁸⁷ Rechtsphilosophie, § 29

has been possible here. We can then also profit by the criticism that the individualistic philosophy of the State has directed against Hegel's system as well as by the modification this has undergone through British Neo-Hegelianism.

We must now leave the universalistic philosophy of Germany. Otherwise much might be said of its evolution in Schelling,¹⁸⁸ Schleiermacher, Adam Müller, the Historical School, etc., but we believe that our historical excursus has fulfilled the purpose we set for it at the beginning: partly to give an account of the political philosophers whom Bosanquet regards as his forerunners or »teachers», partly to provide a general view of the bearings of the universalistic theory of the State

f. English Individualism.

When we pass over to an exposition of English individualism, we are prompted by other motives than before. Now we are no longer dealing with a theory kindred to Bosanquet's political doctrine, but with its antipole. And it is in this character that English individualism in Bentham, John Stuart Mill, and Spencer must claim our attention for a space. Bosanquet stood, as did his neo-idealistic forerunners, in a transition period of English philosophy. Mill's and Spencer's dominating influence on English thought was certainly on the wane, but it was still active. The English Neo-Idealists had to contend against the prevalent political views, and hence their method of exposition had a polemical character. This is to be noticed especially

¹⁸⁸ In »Methoden des akademischen Studiums» (1802) Schelling rejects the political theory based on rationalistic natural right and regards the State as »der objektive Organismus der Freiheit», a conception built on the foundations of absolute idealism. Thus Schelling framed a universalistic theory of the State before Fichte, and also before Hegel, as at this time the latter had the people (»Volk») more in view than the State (Metzger, *Gesellschaft, Recht und Staat in der Ethik des deutschen Idealismus*, Heidelberg, 1917, pp. 245, 248.)

in Bosanquet. His setting of the political problem is very largely determined by the position he takes towards the individualistic theory of the State, particularly as represented by Mill and Spencer. In our commentary on Kant's and Fichte's political philosophy we have already had occasion to indicate tendencies that belong to the individualistic theory of the State; but, as this theory did not appear in a purified form, being interwoven with both universalistic theories and natural-right speculations, we did not obtain a coherent picture of the individualistic doctrine of the State, particularly in its modern forms. For our purposes — a study of Bosanquet's setting of the problem —, we must not neglect Mill's and Spencer's theories, and this not least of all because of their consistent adherence to individualism.

We have denoted Rousseau as the first representative in recent times of the universalistic theory of the State. As such he came to play a great part in German political philosophy. But in England he remained almost unknown in this universalistic aspect. English political theories were faithful to their national tradition from the days of Hobbes and Locke. Edmund Burke alone made a break in the course of English political thought of the 18th and 19th century. It is true that Burke did not have so many suggestive ideas as Rousseau, but his politico-theoretical system often excels Rousseau's in consistency and stability, and in his critical examination of the speculations about natural rights he was far in advance of his contemporaries. But the influence he exercised in his own country on political theorists was not paramount. It was the individualistic and liberalistic conception of the State that dominated for yet a century in British political philosophy. It differed considerably however from the earlier individualism. Hobbes and Locke had accepted the natural-right doctrine of the social contract, which the former had developed in an absolutist direction, the latter in a democratic. Thus Hobbes held the will of the State to be actual, but not general, while Locke held it to

be general, but not actual. Locke's democratic view was founded on the conception of the people's natural rights, among which the right of freedom predominated. It was through this notion of freedom that Locke came to have a decisive influence on the modern school of individualistic and liberalistic thought. This was inaugurated by Hutcheson and won its victory through Adam Smith. Its fundamental thesis was that if the individual was allowed to follow his own interests freely, the highest well-being would result to the community. The State ought therefore to be only a protective institution for life and property and to leave economic development to its own devices. — It should be added with regard to Adam Smith that in many cases he acknowledged the right of the State to intervene in social life and that in his ethics there came to the surface other theories that have been regarded as contrary to his economic ones.¹⁸⁹ The Manchester School is therefore at times wrong in seeking to refer its theories back to Adam Smith.

Adam Smith's doctrine of the importance of untrammelled freedom for the economic well-being of the community was extended by Bentham to ethics.¹⁹⁰ The theory of the harmony of intelligent self-interests had its validity extended far beyond the sphere of economic ones. The conception of Harmony came to play the same part in Bentham as did the organic conception in the universalistic school. Unity in the community was to be rendered possible through the reconciliation of the self-interests of the individuals. Bentham's definition of the State therefore became a pregnant expression for an individualistic theory of the State: »The community is a fictitious *body*, composed of the individual persons who are considered as constituting as it

¹⁸⁹ Jodl, Geschichte der Ethik, I, Stuttg. & Berl., 1906, p. 382

¹⁹⁰ Høffding, Den nyere Filosofis Historie, II 2, 3 ed., Kbh., 1921, p. 73. — Bentham, though in a restricted sense, belonged to the few British individualists who considered political philosophy to be a part of the philosophical system in general. Cf. Ritchie, The Principles of State Interference, Lond., 1891, pp. 127 f.

were its members. The interest of the community then is, what¹⁹¹ — the sum of the interests of the several members who compose it.»¹⁹¹ But, as every individual's interest is to have as much pleasure as possible, the State is to have as its end the increase of the total happiness of the community, and should accordingly strive to remove such factors as prevent the achievement of this. Punishment is the means hitherto employed by the State. Since all encroachment upon man's freedom is an evil, punishment is only justified if it is to overcome a greater evil.¹⁹² But, as the real end of the State is to protect, by means of the threat of punishment, the life and property of its citizens, the State merely had a negative function, a function moreover that it frequently abused. Law and government were therefore something evil.¹⁹³ However, Bentham did not apply his principle rigorously, for he urged that the State should introduce social reforms, though this perhaps is interpretable as meaning that on account of the State's previous abuses social reforms were now needed: the reforms were to remove obstacles in the way of the free development of the individual, and thus were not positive social reforms. We will not however express an opinion on this point.

What redounds to Bentham's credit is his criticism of the doctrine of natural rights: »natural rights is simple nonsense: natural and imprescriptible rights, rhetorical nonsense, — nonsense upon stilts». ¹⁹⁴ His opinions were not however entirely untainted with natural rights. For the belief that the claims of the intelligent self-interests of individuals can be reconciled with one another rests on natural rights, and his conception of freedom is in particular a distinct natural-right idea.

¹⁹¹ An introduction to Principles of Morals and Legislation, Works I. Lond., 1838, p. 2

¹⁹² Op. cit., p. 83

¹⁹³ Op. cit., p. 143 ff. Cf. Bosanquet, Theory of State, p. 53. Jacobson, Om statsmoral, p. 45.

¹⁹⁴ Anarchical Fallacies, Works VIII, 1839, p. 501

The path taken by Bentham was followed by James Mill and John Stuart Mill. The latter, however, gradually modified the Benthamian principle to a considerable extent. In his »Principles of Political Economy» he contends: »*Laissez-faire*, in short, should be the general practice every departure from it, unless required by some great good, is a certain evil». ¹⁹⁵ Thus, here, law and compulsion are an evil, though only in principle, for the reservations made by him ¹⁹⁶ are such that one is inclined to wonder what is really left of the original principle that »the business of society can be best performed by private and voluntary agency». ¹⁹⁷ Nor was this *laissez-faire* attitude of his with its abstract conception of freedom abandoned by him later, even though a more positive conception of the relation between law and freedom is discernible in, for example, his works »On Liberty» (1859) and »Considerations on Representative Government» (1861). In the last-mentioned work the historical point of view comes more into its own. He does not seek to apply the same State ideal to all States, for the same government does not suit all peoples and all times. The most callous despotism may often not only be justifiable but even the only correct form of government. ¹⁹⁸ Therefore, when he recommends the representative type of government as the best, he makes the reservation that this form of State is only suited for a highly enlightened and prudent people, and where the principle that the individual is himself the best guardian of his rights and interests, ¹⁹⁹ is applicable to its full extent. His conception of the function of the State, too, differs very much from that of pure Manchester Liberalism. The State is not merely an institu-

¹⁹⁵ 1. ed., 1848. Here quot. from 2. ed., Lond., 1849, Vol. II, Bk V, Ch XI, § 7

¹⁹⁶ Loc. cit, §§ 1, 7 ff., 16.

¹⁹⁷ Loc. cit, § 16.

¹⁹⁸ Considerations on Representative Government (Incl along with »Utilitarianism» and »On Liberty» in Everyman's Library, Lond., 1914), p 198

¹⁹⁹ Op. cit., p 208.

tion for upholding order, its purpose is also — and chiefly — to develop by means of its educative work the virtue and intelligence of the people themselves.²⁰⁰ It was therefore not a *Nachwächterstaat*, but a State with positive and ethical ends, that captured Mill's interest.

The breach between the old and the new receives perhaps its most pregnant expression in his work *»On Liberty»*. Here, too, he accepts abstract freedom as a principle. Freedom is the absence of restraint, and *»all restraint qua restraint, is an evil»*.²⁰¹ But when he proceeds to apply this principle to concrete political life, quite opposite elements force their way up and conceal the original principle. Liberty is no longer solely regarded as a natural right, but is to be judged by its utility to Society. For instance, liberty of thought and speech would have saved Socrates and Christ from being condemned, and this liberty would then have benefited both Society and Mankind.²⁰² Mill was also fully aware that freedom and restraint need not conflict with each other. If for instance, some bystanders saw a person attempting to cross a bridge which had been ascertained to be unsafe and there were no time to warn him of his danger, they might seize him and turn him back, without any real infringement of his liberty, for liberty consists in doing what one desires, and he does not desire to fall into the river». ²⁰³ Here we have a precursor of Bosanquet's *»real will»*. Man's inmost will may be quite different from his actual will. It is certainly true that in the example quoted this discrepancy between the two wills is more plainly seen than in more complicated cases, e. g. Rousseau's opinion that punishment by the State is in accord with the punished person's own will, and therefore Mill's example need not bear out Bosanquet's conception. But the tendency is none the less there. The *»real*

²⁰⁰ Op. cit., pp. 193 f.

²⁰¹ *On Liberty* (ib.), p. 150.

²⁰² Op. cit., p. 79.

²⁰³ Op. cit., p. 151 f.

will» and the »*prima facie* will» are more widely separated from each other than is frequently supposed. When, for instance, Mill considers that fornication ought to be tolerated by Society,²⁰⁴ could not the moralist here combat Mill with his own argument by asserting that fornication may have more dangerous consequences for the fornicator himself than the latter can have any notion of? The restraint exercised by Society in this case need not therefore be at variance with his inmost will. And Ritchie carries the argument still further in order to show the instability of Mill's foundations. An inquisitor may torture a heretic under the motivation that the latter is only receiving what in his heart he desires, for he desires salvation. And then Ritchie adds: »It is the characteristic of an abstract theory to admit of quite opposite applications».²⁰⁵

If Mill only in exceptional cases defends restraint on the individual when his acts only concern himself, yet he at once admits that for such acts as also concern others the individual is accountable to Society.²⁰⁶ But his *raison d'être* for the intervention of the State diverges widely from, for instance, Rousseau's and Hegel's. The sole end of the State is to safeguard the individual from certain harm that may befall him through the arbitrary action of others. However, if someone »palms off on him» cocaine, spirits, or other poisons, this is the buyer's own business, and the State has no right to intervene. In such instances State restraint is an evil, since it has not heeded the distinction between »myself» and »others».²⁰⁷ This theory of Mill's labours under two difficulties. The first, which is purely philosophical in character, originates from his too sharply accentuated difference between »myself» and »others». The universalists, e. g. Bosanquet, consider that State restraint should be judged by »the nature of what coercive

²⁰⁴ Op. cit., p. 154.

²⁰⁵ Ritchie, op., cit., p. 87

²⁰⁶ Op. cit., p. 73.

²⁰⁷ Op. cit., p. 150.

authority is and is not able to do towards the promotion of good life». ²⁰⁸ The second difficulty is of a nature belonging more to practical politics, and is really a consequence of the first. It is too optimistic of Mill to believe in the State's ability to decide if an act injures only »me», and not simultaneously any other citizen. And surely the question is if there is any act whatever that only concerns »myself» and no one else. But just because Mill and those of his persuasion do not accept this intimate, let us say, organic relation between citizens, then every kind of State coercion is something evil.

In order to escape State restraint Mill seeks salvation in self-government. Nor can he obtain by this means a non-coercive State, for, as Mill has several times pointed out (without realizing that this sends a devastating shot into the whole of his political system), the tyranny of the democratic majority is often harder and unjust than any despotism ²⁰⁹ From »administrative nihilism» we have landed in »administrative absolutism». ²¹⁰ According to Bosanquet, theoretically we can only get a stable foundation for self-government by giving up Mill's *prima facie* view with its sharp demarcation between the State and the individual and accepting in its place a »relative distinction between them as manifestations of the same principle in different media». ²¹¹

We have just seen how easily an uncritical individualism can pass into an uncritical collectivism. This vacillation occurs not least of all in *Spencer*. In one of his first works, »Social Statics» (1851), the individualistic feature stands almost alone. The State is defined as a »joint-stock protection company for mutual assurance». ²¹² But in this definition there lies a tend-

²⁰⁸ Bosanquet, op. cit., p. 62, cf. Ritchie, op. cit., p. 17

²⁰⁹ Mill, op. cit., p. 68

²¹⁰ Bosanquet, op. cit., p. 59

²¹¹ Op. cit., p. 61.

²¹² Quot. from Barker, Political Thought in England from Herbert Spencer to the present day, Lond., 1927, p. 102

ency to his view of the community as an organism. In his subsequent larger works, ›The Study of Sociology« (1873) and ›The Principles of Sociology« (1876 ff.) Society is explicitly presented as an organism, more or less in the biological sense.²¹³ But the difficulties he had to wrestle with when he sought to cling to both the individualistic and the organic elements were too great for him. He sought to find a non-contradictory explanation by making the social organism ›discrete«. »The parts of an animal form a concrete whole; but the parts of a society form a whole which is discrete.«²¹⁴ Here, however, there arose within the organic conception itself a contradiction that threatened its existence.

From his very important political work, ›The Man *versus* the State« (1884), a comprehensive view is obtainable of the whole of his political thought. The collectivistic element is relegated here to the background, while the individualistic is fortified with speculations about natural rights. Bentham and Mill had at least tried to clear their political conception from ›natural rights«, and Mill, by also sporadically abandoning his abstract conception of freedom, showed that to him the State was more than a guardian of life and property and also had cultural and material ends. Spencer, however, freed himself entirely from such tendencies by deliberately re-introducing natural right. Hence he became an eloquent example of how difficult it is to free a consistently worked out individualistic conception of the State from assumptions of natural right.

The natural-right idea that in Spencer's view occupied the centre was the right to live.²¹⁵ From this right then followed all the other rights and also the ends of the State. For life to have any value man must have a right to all the things »which conduce to maintenance of his life and enjoyment of it, and to preserve intact his liberties both of using these things and get-

²¹³ Aspelin, Historiens problem, Sthlm, 1926, pp. 58 ff.

²¹⁴ The Principles of Sociology, I, Lond., 1893, p. 445

²¹⁵ The Man *versus* the State, Lond., 1884, p. 86.

ting further such.²¹⁶ To make this possible for the individual there must be a power, a State, that protects him from any infringement. The State is not assigned any other function, because, for example, by promoting so-called public well-being it throws natural rights into the shade, not to speak of the risk that the State might extend its authority still further. The State can rightfully only have such functions as the individuals have entrusted to it by virtue of the social contract. According to Spencer there is no difference here between a nation and a company.²¹⁷ Thus we see how speculations of a social contract based on natural rights and the individualistic conception of the ends of the State go hand in hand here.

By strongly emphasizing that the individual may only be forced to what is demanded by the social contract, Spencer also opposed coercion by a popularly elected government. Whereas in the rule of the majority Rousseau had seen a kind of extension of the social contract, Spencer placed despotism and majority rule on a level. According to the latter it is a manifest superstition to allow a majority absolute rule over the minority. All forms of compulsion are equally at variance with freedom. And this is a fully logical conclusion from the abstract conception of freedom, for, if freedom means doing what one pleases, a natural right, then for the individual compulsion must have the same effect whether it is exercised by one, several, or a majority. Freedom, according to Spencer, ought not to be measured by the nature of the governmental machinery under which the citizen lives, whether it be representative or not, but by the presence of hindrance and restraint imposed upon him, and, whether or not he has contributed to bringing this machinery into being, its actions are not in their nature compatible with liberalism if the number of laws hindering freedom of action are increased beyond the number necessary to prevent him from directly or indirectly intruding the rights of his

²¹⁶ Loc cit

²¹⁷ Op. cit., p. 83.

fellow-men²¹⁸ He therefore opposed all kinds of charity, even the erection of isolation hospitals.²¹⁹ This did not of course spring from lack of sympathy for the sufferers, but from the firm conviction that everything regulated itself best if left to its own laws. Sympathy, contends Spencer, is a powerful motive in human conduct, and this would no doubt prevent social evil without the intervention of those in authority. To him it is a political superstition, an unscientific conception at variance with all experience, to believe that the State can further public good.²²⁰

On these lines the State would have no positively ethical end. In a certain sense, however, the State is regarded as ethical by Spencer. He reasons something like this, that the individual's right to live is not the same as the tiger's right. The individual must not come into conflict with the other members of Society. The acts allowed to the individuals are called ethical, the others non-ethical, a mode of thought that was also followed by Mill when he separated the sphere of freedom from that of morality and law.²²¹ Spencer then draws the conclusion: »while the positive element in the right to carry on life-sustaining activities, originates from the laws of life, that negative element which gives ethical character to it, originates from the conditions produced by social aggregation». ²²² There will thus be, firstly, natural rights that are independent of social life, secondly, natural rights that are social and therefore ethical. Which, then, are the chief rights? Spencer seems to favour the former. These are life-sustaining, positive, whereas the ethical form a negative element in the rights. However, he lets sympathy occupy a broad place, and it limits the natural rights proper. If the ethical element depends

²¹⁸ Op. cit., pp. 15 f.

²¹⁹ Op. cit., p. 28.

²²⁰ Op. cit., p. 5.

²²¹ On Liberty, p. 138

²²² Op. cit., p. 98

on presence of fellows or on social aggregation,²²³ is it ever possible to escape this element and let the original life-assertive element hold sole sway? An affirmative answer to this question would assume that associated life between people is not a necessary phenomenon. But such a view cannot be elicited from Spencer's work. The difficulty in this problem is no doubt referable to the contradiction we have already touched upon, and which runs through the whole of Spencer's theory of Society, viz. the opposition between the individualistic theory based on natural right and the conception of Society as an organism.²²⁴ Thus he defines the individual at times as isolated, at times as part of an organism. Only in the former case is there sense in speaking of natural rights, for here the individual is defined purely metaphysically; he becomes, to use Ritchie's words, 'a logical ghost, a metaphysical spectre'.²²⁵

There seems to be another way out of the difficulty, viz. the opposition that according to Spencer prevails between the State and Society. The specially human rights are not precedent to the life of Society, but they precede the State, the government.²²⁶ What makes his exposition somewhat unclear is that he does not always keep to his original distinction, but uses the word Society also for the State.²²⁷ His fundamental notion, however, is that Society is of higher value, because it rests on the sympathy between people, whereas the State is something evil, even if a necessary evil, since it is of a compulsive character. The State has the right to exist only so long as compulsion is necessary, and must disappear when the people have become more enlightened; Society, on the other hand, will always exist. This line of thought was especially accentuated

²²³ Op. cit. pp 96, 98. — Spencer appears to make no distinction between 'presence of his fellows' and 'social aggregation'.

²²⁴ Cf. Barker, op. cit., p. 128

²²⁵ Ritchie, op. cit., p. 11.

²²⁶ Op. cit., pp. 90, 98

²²⁷ E.g. op. cit., p. 87.

ated in »Social Statics«, but continued to be maintained, even if not with the same force, in »The Man *versus* the State». ²²⁸ The opposition between the military State and the industrial State underlies this conception. The more the military State is weakened, the less will be the power of the government. The industrial type of organization is as yet an ideal, but we see how it is advancing more and more to realization, and our task is to support this development. ²²⁹ — Whether any government at all is necessary in the fully matured industrial State, is not clearly to be seen in »The Man *versus* the State«. In »Social Statics«, though, this political ideal is a pronounced anarchistic conception of the State, a social state of equilibrium, where the individual contributes to the well-being of the whole by maintaining his intelligent self-interests, and where the well-being of each individual is comprehended in the well-being of all. ²³⁰

We have now seen how many difficulties the Spencerian system labours under owing to its initial assumptions of natural rights, even if we disregard the organic element in his social theory. Especially in four points does Spencer's system reveal its inability to deal adequately with the politico-philosophical problem.

1. Spencer's ethics are negative ethics; ethical value does not appear to be the highest value, which is attributed to »life« instead. The consequence is that drawn by Bosanquet, that »the making the most of life — its positive expansion and intensification — is excluded from the ethical aspects of individuality, and, indeed that individuality has no ethical aspect at all«. ²³¹ Bosanquet has admittedly left out of account the thread that is nevertheless to be found in Spencer of a more positive conception of ethics, but as it only makes a

²²⁸ Op. cit., pp. 109 f

²²⁹ Op. cit., p. 112.

²³⁰ Barker, op. cit., pp. 94, 109.

²³¹ Theory of State, p. 68

sporadic appearance. Bosanquet's conclusion is correct on the whole.

2. Spencer's ethical system cannot show any positive justification for the State and Society. It is true that Spencer's ethics have their sanction in the community; in fact, he even considers that without a society there are no ethics. But by making ethics negative, the community also becomes a negative quantity. It cannot be comprehended under the aspect of the highest value. This applies in a still higher degree to the State, which may not only be hostile to »life» but also to Society.

3. Even if there is a difference between the State and Society, it is incorrect to make it absolute, for this is opposed to sociological and historical experience. A consideration of the evolution Society has undergone up to now will show that this is the reverse to what Spencer assumed. Instead of saying, as Spencer does, the more Society develops, the less government it requires, we must doubtless posit that as Society attains a higher degree of development, economic, social, and cultural, government interferes in an increasing number of spheres, even if it does abandon some over which it has had supervision. To Spencer's statement that voluntary work should replace the State, Barker rightly objects that »the more there is of voluntary co-operation, the more need there is of the State.²³² — From the viewpoint of value, too, it may be incorrect to make the difference absolute by making the State restrictive of freedom. Even Society has its laws in the form of opinion and convention which may be more coercive than those of the State and against which the State at times has to protect the individual.²³³

4. Spencer upholds a fixed ideal for social evolution, and from this he judges the present conditions. In this way the State may certainly obtain a relative justification as a link in the evolutionary chain, but from the point of view of his ideal

²³² Op. cit., p. 119; Cf. Bosanquet, *The Civilization of Christendom*, 2. ed., Lond., 1899, p. 365.

²³³ Cf. Ritchie, op. cit., p. 92

Spencer describes the State, the government, as something evil. In doing this he has fallen into the error of which he accuses his antagonists, namely lack of scientific procedure. When discussing Fichte we showed how unfruitful it was to set up an ideal of the State and then use it both as an object of inquiry and as a standard by which to judge the concrete political and social life. This objection applies with still greater force to Spencer, since he has laid special stress on the static character of his State ideal. It is scientifically inadmissible to assume that progress will one day cease and that a fixed, unchangeable state will take its place. Here, Hegel with his conception of the eternal self-development of the State idea has advanced a theory more in tune with reality.

We can now sum up the fundamental thesis of the individualistic theory of the State thus: The State is an accidental formation, having no direct connexion with the highest value of man and only contingently justified. — It was this conception that Hegel opposed, and it was against the same conception that the British Neo-Hegelianists went to battle. Their philosophy sought to show the legitimate place of every element in the totality of reality, and therefore they could not rest content with viewing the State solely as an ephemeral phenomenon. If the State were conceived, as it was by especially Spencer and after him to some extent by Huxley,²³⁴ as something negative as regards the highest development of man's powers or, to use an idealistic term, true self, then it would obviously be impossible to obtain a consistent solution from the idealistic setting of the political problem. The cleft between the individual and the State would be too wide to comprehend the State in the individual's sphere of value, and vice versa. The consequence would be, as Bosanquet contends in his criticism of Spencer, that choice must be made between two equally unacceptable alternatives: »The self would remain, but 'government' would be superfluous; or else 'government' would be everything, and

²³⁴ Bosanquet, *Theory of State*, p. 25.

the self annihilated»²³⁵ Such a notion as ›self-government› is therefore self-contradictory, since the two members contradict each other. If the politico-philosophical problem is to be solved, another line of approach must be taken. The correct setting of the problem must be: »We must show, in short, how man, the actual man of flesh and blood, demands to be governed; and how government, which puts real force upon him, is essential, as he is aware, of becoming what he has it in him to be».²³⁶ On our ability to demonstrate this relation depends the positive solution of the question of the State's justification.

The new social and State reality also demanded another theory. At the beginning of the 19th century unchecked competition had whipped economic development on at undreamt-of speed, and many believed that the perfect industrial State was on the eve of realization. This dream was translated into theory by Spencer. Just as Plato and Aristotle stood on the line between two epochs, when the old City-State was on the decline and something new was shaping itself, so did Spencer confirm Hegel's proposition that philosophy comes after historical development. For the economic boom soon brought with it social grievance that gave a less optimistic turn to thought, and it was difficult to deny the benefit of the protective laws that had come into existence through the intervention of the State. Social welfare legislation was under development, after the middle of the century gaining ever-widening scope. The State could no longer be looked upon as something evil, and social relations as something solely good. A doctrine of the ethical justification of the State could now find a safer anchorage in social reality, and this reality conduced to a new theory which the development of political philosophy had already demanded on account of the internal inconsistency of the old political theory.

²³⁵ Op. cit., p. 71.

²³⁶ Op. cit., p. 73

g. The English Neo-Idealists.

T. H. Green was the first to break in earnest with the individualistic tradition of English political philosophy, and he carried Neo-Idealism to victory. Plato, Aristotle, and Kant appear here in new guise, though Kant had to give way gradually to a more Hegelianistic form.²³⁷ Hence in Green's philosophy we find the same developmental tendency as elsewhere. Just as classical idealism in Germany could not stop at Kant's dualism, but was carried forward by Fichte, Schelling, and Hegel — just as the later German Neo-Kantianism was forced over to Neo-Hegelianism — so was Green driven from his initial Kantian assumptions and pushed further with logical consistency. Particularly in his practical philosophy he has left Kant far behind. The abstract in the Kantian ethics and theory of Law had to give place to the concrete and real. But no complete conversion to Hegelian political philosophy occurred. Green never lapsed into any absolutification of the State, but exhibited here the same moderation as did Bradley and Bosanquet after him. From them, however, he differed by his strong emphasis on humanity. It has therefore been said of him that »it is no more correct to say that Green is a thorough-going collectivist than to say that he is a thorough-going individualist. He is neither and both, viz, in him there is a happy reconciliation.«²³⁸ This opinion, indeed, is more or less applicable to all English Neo-Idealists. None the less their politico-philosophical method and their fundamental problem are the same as Hegel's and as that of the universalistic theory of the State in general. As we have seen, Hegel also built his theory of the State on a recognition of the independence of the individual, though not in the same degree as Green and

²³⁷ As Green was probably disinclined to accept the designation »Hegelianism« for his philosophy, we could say with Ritchie that he »corrected Kant by Aristotle and Aristotle by Kant«. (Op. cit., p. 139)

²³⁸ Y. L. Chin, *The Political Theory of Thomas Hill Green*, N. Y., 1920, p. 153.

his successors. They all have in common the essential features of the universalistic theory of the State, and, for the sake of perspicuity, we are submitting below a brief summary of the universalistic traits in Green's theory of the State.

1. Green re-established connexion with Plato and Aristotle.

2. He integrated his political philosophy with the rest of his philosophy, nay, it may even be said that Green's general philosophy is merely a long introduction to his practical philosophy, especially to his political philosophy. In his view metaphysical analysis is necessary »before we can be sure that any theory of ethics . . . is other than wasted labour». ²³⁹ Here he departs from Kant's method and approaches Plato's and Hegel's. We shall presently show the main track along which Green's metaphysics pass to his political philosophy.

3. He regarded ethics and political philosophy as interdependent. The ethical presupposes social life and social life presupposes the ethical. The object of his political philosophy is therefore to see the State as an ethical category: »My purpose is to consider the moral function or object served by law . . . to discover the true ground or justification for obedience to law». ²⁴⁰ And the method he adopts is the same as we find in Hegel. He does not seek to anticipate historical development, to set up an abstract ideal of political life as Fichte and Spencer did, but he strives to bring into view the existing normal value that has found its realization in the present political institutions. ²⁴¹ To do this he was compelled first of all to determine moral value in general and this in its turn forced him to inquire into the essence of man. Once again we see how

²³⁹ *Prolegomena to Ethics*, Oxf., 1907, § 13. Cf. Fanbrother, *The Philosophy of Thomas Hill Green*, Lond., 1896. Green's primary aim is Moral and Political philosophy (p. 9) . . . the whole work stands, or falls, with the metaphysical basis (pp. 11 f.).

²⁴⁰ *Principles of Political Obligation*, § 1. Cf. Fanbrother, *op. cit.*, p. 109.

²⁴¹ Green, *op. cit.*, § 5.

intimately the different philosophical disciplines are intertwined

4 Green's conception of freedom is positive. It follows, firstly, that his conception of man's 'natural rights' is different from the individualistic natural right, secondly, that no impassable chasm is formed between the State and Society as in Spencer, and thirdly, that the general will is not abstract, but concrete. — We shall now analyse the closer resolution of these points

In his philosophy Green started from Kant's theory of the necessity of the categories of thought in our conception of experience, and more especially from the »synthetic unity of apperception«. With this starting-point he sought to settle up with the materialism and naturalism of his contemporaries and to stress the primacy of the spiritual instead. Thus, like his successors Bradley and Bosanquet, in the setting of his problem Green was actuated by his opposition to the prevailing philosophy, especially its naturalistic line of thought in the shape of hedonism and utilitarianism. He thought that by refuting the philosophic view of the self-existence of nature in relation to the spiritual world he could also defeat naturalism in moral philosophy. He opposed the general tendency to make the second member in the Kantian dualism, form and content, understanding and nature, self-existent and primary in relation to the first member. But in order to conceive of an experience without its different parts disintegrating into chaos we must presuppose a unifying principle that binds the different parts into a whole.²⁴² This unifying principle must be spiritual. It is this principle that makes our experience objective and real. Reality is therefore regarded as those relations which consciousness constitutes between objects; reality is »the idea of a world as a single and eternal system of related elements«.²⁴³

²⁴² Prolegomena, § 9.

²⁴³ Op. cit., § 14 — In his view of relations as real Green diverges from Bradley but approaches Bosanquet.

This also implies that it is not the individual consciousness as such that constitutes this world. For then of course the Kantian dualism of form and content would not be completely overcome, since, instead of a pre-established harmony between phenomena and noumena, we should have one between a plurality of individual worlds: dualism would become pluralism. If there is to be any sense in speaking of an objective, real system, where consciousness and reality are identical, then this system must be of a superindividual character. Objects must exist 'as part of an eternal universe — and that a spiritual universe or universe of consciousness — during all the changes of the individual's attitude towards them' ²⁴⁴ In our process of knowledge we endeavour to conceive this eternal consciousness more and more completely. Such progression is possible for us because we are of one essence with this absolute consciousness and only in so far as we have a part of it are we real.

Transition from the theoretical life to the practical is now easy. According to Green the eternal consciousness that reveals itself in our knowledge is the same as we find in our activity ²⁴⁵ The good can therefore consist in realizing our real self, which is consubstantial with the Absolute, with the Divine Principle. The highest good is 'self-realization', ²⁴⁶ or, as Bosanquet calls this concept of Green's, 'self-systematization', 'self-cultivation', ²⁴⁷ for as the real self for the most part lies 'as

²⁴⁴ *Op. cit.*, § 69, cf. § 33 — Our exposition of Bosanquet's philosophy will put us in a better position to judge the relation between the epistemological and the ontological identity. Especially Lamont claims that Green is confusing the two propositions. Reality cannot be known apart from knowledge or consciousness of it and Reality cannot exist apart from knowledge or consciousness of it. For the first does not involve the second. The first proposition is true, the second untenable (*Introduction to Green's Moral Philosophy*, Lond. 1934, p. 202).

²⁴⁵ *Op. cit.*, § 174

²⁴⁶ *Op. cit.*, § 199

²⁴⁷ *Science and Phil.*, p. 174 (*Essay: Recent Criticism of Green's Ethics*). Also in *Proc. of Arist. Soc.*, 1902.

it were, outside the given self of the individual, this self-realization will consist in »removing the contradictions of his given self by acquiring his real self»,²⁴⁸ i. e. by systematizing the given self into the whole of reality. In Green's view this is possible in only one way: »It is in fact only so far as we are members of a society . . . that the idea (of the moral good) has any practical hold on us at all . . . Each has primarily to fulfil the duties of his station».²⁴⁹ Here we see the connecting chain Green, Bradley, and Bosanquet: »My Station and its Duties» in the community making ethical conduct possible. The community is a necessary condition for all morality, or as Barker sets the problem for Green: »Human consciousness postulates liberty; liberty involves rights; rights demand the State».²⁵⁰ And thus we see how Green regards the different disciplines of philosophy as a self-contained whole, how his theory of knowledge and his conception of reality lay the foundation for his ethics, and these later for his political philosophy.

By accepting these starting-points Green completed his severance from the Individualistic Theory. The cardinal ideas of political theory, Liberty, Rights, Sovereignty, State Will, etc., must now acquire quite a different import from that they possessed in Bentham, Mill, and Spencer, with their sharply drawn boundary-line between the highest values and the ends of the State. We will devote a few words here to the significance these conceptions had for Green, leaving the more detailed examination of them to our systematic exposition of the political conceptions of idealism in Bosanquet.

The fundamental thesis in Green's political philosophy is: »Will, not force, is the basis of the State».²⁵¹ This implies that

²⁴⁸ Bosanquet, *op cit.*, p. 173.

²⁴⁹ Green, § 183, Cf. Muirhead, *The Service of the State*, Lond., 1908, p. 29.

²⁵⁰ Barker, *op cit.*, p. 32

²⁵¹ *Pol. Obligation*, p. 427

the basis of the State is freedom, for according to Green the characteristic of the will is that it is free and that it is man himself in his self-determination.²⁵² Freedom is then not something abstract, i. e. freedom from something, but something concrete, as the will itself. But, as we have seen that man's self-determination consists in realizing the common good, or the general will, the social will thus becomes the true will of the individual, and hence also his true self. The general conclusion is obvious: Society and the individual are of the same nature, for both rest on the same ground, freedom.

We have intentionally only spoken of Society. Is it possible, it may be asked, also to apply the above to the State? On this point Green is at times rather doubtful. He does not explicitly deny that the supreme power in the community, i. e. the sovereign State can be identified with the general will, as Rousseau had done.²⁵³ But, as particular laws and decrees may conflict with the general will, he considers that in the interests of lucidity he ought to associate himself with Austin's conception of sovereignty, which defines the sovereign thus: 'If a *determinate* human superior . . . receive *habitual* obedience from the *bulk* of a given society, that determinate superior is sovereign in that society.'²⁵⁴ As a rule, however, the sovereign has his authority from the general will, and on the whole the legal system can be regarded as an expression of the 'common good'.²⁵⁵ But even if a State's supreme authority is not entirely founded on the general will, it cannot on this account be pronounced destitute of all ethical ends. This becomes more apparent in Green's inquiry into 'natural' rights.

An individual can actualize his real self only if he can count upon the 'common recognition' of his fellow-men. This

²⁵² Prolegomena, § 153. Cf. On the Different Senses of 'Freedom', Works II, p. 317.

²⁵³ Pol. Obligation, § 93.

²⁵⁴ Op. cit., § 81.

²⁵⁵ Op. cit., § 94.

common recognition creates the rights without which man cannot achieve the common good.²⁵⁶ From this determination of the origin of the rights it is to be seen that they are not abstract and do not belong to the individuals in a state of nature, but that they are only possible in a Society.²⁵⁷ This does not prevent Green from calling them »natural» or even »innate». By this he does not mean that they are natural or innate in the way the old doctrine of natural right regarded them. Green seeks by these determinations merely to stress that they are necessary »for the fulfilment of a moral capacity without which a man would not be a man»,²⁵⁸ i. e. the rights are natural and innate in the Aristotelian sense that it is inherent in man's nature to live in a society. In addition he wishes to emphasize that they remain rights even if »any particular state or all states refuse to recognise them». ²⁵⁹ For example, a slave can have rights that are in conflict with the laws of the State in which he lives, for the slave also belongs to a society, which has given him certain ethical rights, but which is not recognized by the State as a society.²⁶⁰

One might think that with such a conception Green ought to deny the State all higher ethical ends. But he does not. Even if we ignore a tendency in Green to place the State and Society on a fully equal footing and hence to regard the State as an equally necessary condition for the rights as Society, the State *qua* State has nevertheless a necessary place in the ethical system. Although the State does not create the rights, it can according to Green be said with truth, »that the members of a state derive their rights from the state and have no rights against it». ²⁶¹ How does this accord with his previous statement

²⁵⁶ Op. cit., § 25.

²⁵⁷ Op. cit., § 138

²⁵⁸ Op. cit., § 30.

²⁵⁹ Op. cit., § 41

²⁶⁰ Op. cit., § 140.

²⁶¹ Op. cit., § 141.

about the slave's rights? Some explanation may lie in his assertion that the members of a State have no rights against it, but a right to be treated as members of the State. Thus the individual would possess the right, which is of course a social one, to re-fashion the State, to endeavour to effect that »its actual laws more completely correspond to what it is in tendency or idea»,²⁶² but he has no right to abolish or destroy the State. In fact, the State is as necessary for his rights as are social relations, for without something sovereign to guarantee the individual's demand for freedom and to sustain and harmonize social relations, it is meaningless to speak of rights. A bad State is therefore better than none at all, and political revolutions are therefore evil, because they may produce general anarchy. If the individual clearly and distinctly sees that he is in accord with the social consciousness in its entirety and that he can succeed in his resistance to the commands of the State without general anarchy ensuing, then and then only is such resistance permissible.²⁶³ At the same time as Green in this way recognizes the ethical ends of the State and Society he also grants the individual his right place. This synthesis of the State and the individual is brought out most distinctly perhaps in his »Prolegomena», where he says, »the truth is that, whatever moral capacity must be presupposed, it is only actualised through the habits, institutions, and laws, in virtue of which the individuals form a nation. But it is none the less true that the life of the nation has no real existence except as the life of the individuals composing the nation».²⁶⁴

With these ideas Green indicated a new path for political-philosophical thought in England. The sharp opposition between the State and the individual vanished. The intimate connexion that the political theory of the ancients had established between the individual and the community in respect of

²⁶² Op cit., § 142.

²⁶³ Op cit., § 144.

²⁶⁴ Op cit., § 184.

the City-State was now transferred to the Nation-State. The individual needs Society and hence the State for his moral development. Only a dead individual can be an »unrelated«, isolated individual. »Only in a Society«, says Winsnes in his essay on Green, »can we speak at all of individuals as a concrete reality«. ²⁶⁵ It was the knowledge of the concrete relation between the individual and the State, between the individual's real will and Society's general will, that became fruitful above all else for subsequent political speculation. It was this idea that reappeared in Edward Caird's motto: »the law of all finite life is that of living through dying«, ²⁶⁶ i. e. only by becoming absorbed in the community does the individual acquire life. And Green's first pupil, Wallace, carried on his teacher's views. If Kant has shown us the form of the moral act, Wallace has shown us, following Hegel and Green, the source from which moral conduct derives its content. We quote Winsnes: »The voice of duty, the dictate of conscience, receives its content from the community. It is as members of a community we learn *what* we ought to do, but *that* we should do it, the actual moral obligation, is not created by the community«. ²⁶⁷

Ritchie, Green's second follower of importance, has already been mentioned elsewhere in this work as a keen adversary to Mill's abstract conception of liberty and Spencer's individualistic conception of the State. Contrary to the general tendency in individualism to separate political theory from the philosophical totality view he sought to expound »the primary and more strictly philosophical questions about the nature of the State«, ²⁶⁸ and against the old doctrine of natural right he objects that the rights »are not behind, but in front of political progress«. ²⁶⁹

²⁶⁵ Den annen front, Oslo, 1932, p. 109

²⁶⁶ Op. cit., p. 118

²⁶⁷ Op. cit., p. 124 Hagerström, who also assumes that duty is created by the community, has another view on this point. We shall see later that Bosanquet and Hagerström agree in this

²⁶⁸ Ritchie, op. cit., p. 129.

²⁶⁹ Op. cit., p. 99.

It was also dissatisfaction with Kant's ethical formalism that drove Bradley to see in State and community an inestimable value for moral development, because they fill the moral law with concrete content, for a man's life with its moral duties is in the main filled up by his station in that system of wholes which the state is . . . these institutions are organic, and further . . . they are moral'.²⁷⁰ These were the lines of thought that were followed and worked out into an impressive whole by Bradley's contemporary, the most typical political and social philosopher of English Neo-Hegelianism, Bernard Bosanquet.

²⁷⁰ Bradley, *Ethical Studies*, 2 ed. Oxf., 1927, p. 174.

CHAPTER III.

The General Philosophical Basis of Bosanquet's Political Theory.

In the foregoing chapter we have pointed out that a philosopher's view of the State is generally inseparably bound up with the rest of his philosophy. This applies with greater force to Hegelianism than to other philosophical tendencies. In Hegelianism political philosophy is the acme of the philosophical system, a view that is to be met with in much of the other idealistic philosophies of the State; e g. in Plato, who considered philosophical speculation to be a means to right political conduct. And if, as Bosanquet does, a philosopher calls his political theory philosophical, metaphysical, or speculative, the natural result will be that the political theory, severed from its theoretical philosophical relations, will appear to be, so to say, floating in the air. Bosanquet could no doubt endorse without hesitation the view to which Binder, one of the leading Neo-Hegelian political philosophers of Germany of the last ten years, gives expression when he emphasizes the intimate relation that exists between political philosophy and its epistemological premises: »In der Tat lässt sich die Welt des Rechts, lässt sich alle rechtliche und staatliche Wirklichkeit und Wirksamkeit nur unter der Voraussetzung der spekulativen Identität von Bewusstsein und Gegenstand, von Subjekt und Objekt begreifen».¹ But this unrolls the whole of the metaphysical and epistemological problem-complex: How can the conceiving subject pass

¹ Binder, *Der autoritäre Staat*, Logos, 1933, p 127.

to the object?² If like Hegelianism, one regards only that solution possible which identifies subject and object, a solution on which political philosophy stands or falls, is it not our unavoidable task to examine these foundations of Bosanquet's political philosophy?

Another reason, partly related to the preceding one, also induces us to make a general philosophical excursus. That is, Bosanquet uses in his political philosophy many terms that he does not explicitly define and that must therefore be considered in connexion with his fundamental philosophical view to be rightly understood. He makes frequent use of current terms, but puts into them quite a different meaning from that to which we are accustomed. Much of the criticism levelled at Bosanquet's conception of the State would never have been raised if the critics had familiarized themselves with the terminology employed. We therefore consider it necessary to outline his theoretical philosophy before undertaking an analysis of his political philosophy. What, for instance, does Bosanquet mean by a *philosophical* theory of the State? Or, what meaning does he put into the term *real* in his view of the State as a real will? Or what does *the good will* mean? These expressions, which we are anticipating here, can of course stand in a clearer light in connexion with his theoretical philosophy than in his political philosophy alone, e. g. *the real will* with his view of reality in general, *the good will* with his ethics and philosophy of value. The criticism from the individualistic philosophers of the State therefore often misses the mark, being aimed at a standpoint Bosanquet does not take. Instead of a criticism of his *real will*, *good will*, etc., it frequently resolves itself into a criticism of the application to the State will of the individualistic conceptions of reality and ethics.

² Cf. Phalen, *Kritik av subjektivismen. Föreläsning tillägnad E. O. Burman*, Upps., 1910, p. 120. Tegen, *Om världen och vetandet*, Sthlm, 1930, p. 63. Binder, *Grundlegung zur Rechtsphilosophie*, Tub., 1935, pp. 21 f.

a General View.

Bernard Bosanquet (1848—1923) belonged to the English Neo-Idealistic and Neo-Hegelian School, which had its first independent thinker in T. H. Green and its most astute thinker in F. H. Bradley. It was these two along with Jowett and Edw. Caird who through their philosophy directed Bosanquet's attention to the greatest standard-bearers of idealistic philosophy, Plato, Kant, and Hegel.³ From his great forerunners, however, Bosanquet distinguishes himself in one respect, viz. by his efforts to found idealism on a broader basis⁴; partly by assimilating many of the ideas of his adversaries, partly by anchoring himself to empirical reality more than idealistic philosophy in general has done. It has therefore been thought at times that he is not an idealist in the traditional sense (Muirhead), indeed some have even wanted to make him a materialist (McTaggart). We probably do him the greatest justice if we ascribe to him »a subtle and refined form of Idealism»⁵, for his fundamental philosophical conceptions are those of the idealist, but so applied that they do not exclude any sphere of experience.

Just as Hegel set philosophy the task of studying reality such as it is, so did Bosanquet set himself this same goal. »In philosophy you must take things as they are»,⁶ and no matter what special point of view is used as a base, care must always be taken that it is not in conflict with the established facts. This does not imply that the task of philosophy should merely be to ascertain empirical facts and nothing else. We have already shown in another connexion the method and object of

³ Bosanquet's relations to Hegel, see Haldane, 'Bernard Bosanquet', Proc. of British Academy, X, pp. 572 ff.

⁴ Through him Idealism has become »erfahrungshungrig» (Metz, Die philosophischen Strömungen der Gegenwart in Grossbritannien, I, Lpz., 1935, p. 332)

⁵ Muirhead, Mind., 1923, p. 393

⁶ Science and Phil., p. 28

Bosanquet's philosophy as compared with those of the special sciences. There we saw that the task of philosophy is to present a systematic totality of experience and not merely to select a part, as is the task of the special sciences. 'I only know in philosophy one method; and that is to expand *all* the relevant facts, taken together, into ideas which approve themselves to thought as exhaustive and self-consistent.'⁷

But if this method alone is accepted for philosophy, it must be assumed that the different facts of experience can be logically co-ordinated, otherwise philosophy will be rendered impossible. This initial assumption has, in fact, been made by Bosanquet as well as by Hegelianism in general. The idea of the whole has become the basic conception, without which this philosophy is unintelligible. Was not 'Das Wahre ist das Ganze' the starting-point for Hegel's *Phänomenologie des Geistes* and, it has been said, the key to the whole of his philosophy?⁸ Nor is less implied in Bosanquet's assertion that the spirit of the whole — is the operative principle of life as of metaphysical thought. Of course, this cannot be proved in the strict sense. The idea of the whole is fundamental to all thought, it manifests itself in all conscious life and can therefore neither be proved nor disproved, as any attempt to do so must presuppose it. Hence the whole is a necessary postulate. We find this stressed in Bosanquet¹⁰ as well as Hegel¹¹ and Bradley,¹² the last-mentioned making it almost a pragmatic postulate.

As according to Bosanquet wholeness is a necessary presupposition for the whole of our experience we must first study

⁷ *Three Lectures on Aesthetic*, Lond., 1915, p. 3.

⁸ *Wimsnes*, op. cit., p. 94.

⁹ *Principle*, p. 267.

¹⁰ *The Essentials of Logic* (quot. as *Essentials*), Repr. ed., Lond., 1928, p. 166. *Implication*, pp. 11 f.

¹¹ *Wenke*, op. cit., p. 32.

¹² *Essays on Truth and Reality* (quot. as *Essays*), Oxf., 1913, pp. 465 f.

this in order to see how the whole makes experience possible. We can here adopt Kant's procedure in ethics: just as Kant with the moral law as »ratio cognoscendi» reached freedom as »ratio essendi», as a necessary postulate for all moral life, so can we follow Bosanquet in his attempt to solve the basic epistemological problem: »How is it possible to pass from the subject to the object?», and see how he finds the solution in wholeness.

b Thought and Reality.

Max Planck casts a flashlight on the difficulty of the whole principal epistemological and metaphysical problem when in the following passage — which we will quote to get a concrete starting-point for our exposition — he submits his interpretation of the relation of physical knowledge to reality: »Die Aufgabe des physikalischen Weltbildes lässt sich also dahin charakterisieren, dass es einen möglichst engen Zusammenhang herstellen soll zwischen der realen Welt und der Welt der sinnlichen Erlebnisse», and »die ... fortschreitende Abkehr des physikalischen Weltbildes von der Sinnenwelt nichts anderes bedeutet als eine fortschreitende Annäherung an die reale Welt».¹³ At this point there arise several questions that must be answered. 1. What is truth? What relation has the truth of a scientific theory at one time to the truth at another? 2. What is knowledge? Why is thought not content with sensory experience but constrained to go further? 3. What is reality? Is it the sensuous world or the world of thought? And how is the interrelation between thought and reality, subject and object, to be conceived?

Our task is now to examine how Bosanquet copes with these questions. They naturally overlap more or less, but for the sake of lucidity we will try to keep them distinct as far as possible.

¹³ Wege zur physikalischen Erkenntnis, Lpz., 1934, pp. 219, 184.

Is there any truth whatever established for all time? A few decades ago it was thought that Newton's mechanistic explanation of nature presented an absolutely true theory. But in course of time this theory proved to be insufficient. Another was needed, and the 'Einsteinian' theory superseded the old one. By what means can it be decided which is true and which is false? Or is it conceivable that both are true, or that both are false? Bosanquet gives the answer thus: 'Truth of a thought means, surely, that the thought is of a content and context to occupy a harmonious place in the whole spiritual structure of experience'¹⁴ or, more briefly expressed, 'truth is the whole'.¹⁵ We pass from one theory to the other, for, if once we have gained a position and arranged our material into a non-contradictory whole, new material comes to split the wholeness. It ceases to be a systematic whole, and another, more logical, system must be framed, possessing more non-contradiction, logical stability, coherence, comprehensiveness, completeness, etc.¹⁶ As we see from the last two expressions, Bosanquet does not rest content with a merely formal-logical criterion of truth, the formal Law of Contradiction, but he also includes a more material criterion, e.g. comprehensiveness, which is, in fact, the most important for him.

Since Bosanquet in this way makes 'completeness' or 'comprehensiveness', i.e. the wider and more harmonious systematism, the idea of truth, he cannot escape certain consequences which at first glance may appear unacceptable. Truth and error are not absolute magnitudes, demarcated from each other, but pass gradually into each other. Truth is its own criterion, i.e. the 'fuller truth' serves as a measure of truth, and therefore a truth can be nullified or confirmed, weakened or strengthened, by a more determined truth that comes after it.¹⁷ The

¹⁴ Principle, p. 306

¹⁵ Logic, II, p. 264

¹⁶ Op. cit., II, pp. 267, 283

¹⁷ Op. cit., II, pp. 265 ff.

Newtonian system is therefore less true than the «Einsteinian», since the latter possesses a more comprehensive character. And if we take the historical judgments, the judgment «Charles I. died on the scaffold» is less true in a schoolboy's mouth than a historian's, for the historian can range this judgment within a more extensive historical «system» than is possible for the schoolboy, but the latter in his turn can make the judgment more true than can a child, who repeats without reflection what it has happened to hear. Truth is, in fact, «an appreciation of elements in a system, and of their determination by the system, and is a matter of degree».¹⁸

Cannot we here object that Bosanquet is confounding truth with the criterion of truth? A truth is not something more or less, but the certainty of a truth and the criterion of a truth can possess degrees. A truth possesses a higher degree of certainty the more exactly it can be motivated by drawing upon other facts to support it. This is why the teacher's judgment possesses a higher degree of reliability than the pupil's or child's — But we no doubt go too far if we assert that Bosanquet *confounds* two different things. We cannot speak of any internal contradiction here in Bosanquet's system, for according to this system all the facts of experience are included in a single totality, and therefore, philosophically seen or from the point of view of the whole, there exists no isolated truth. The making of a judgment implies a whole system, and the larger this system is, the more truth the judgment contains, seeing that the implied reality is more extensive.

Our defence of Bosanquet against our own criticism rests on our not having attacked here his starting-point. This consisted in his repudiating the formal Principle of Contradiction and substituting for it the concrete Principle of Comprehensiveness. But is such a substitution always possible? Could not an independent place sometimes be provided for the formal

¹⁸ Op. cit., II, p. 285

Law of Contradiction, since Bosanquet says that the »law of contradiction might still hold its formal place if there were no such thing as beauty or organised knowledge or social life or religion»¹⁹ Could we not speak of a purely abstract knowledge? What, for instance, is the meaning in speaking about a graduated difference between the truths in $2 + 2 = 4$ and $2 + 2 = 5$? Have we not here an absolute truth and an absolute falsehood? Bradley has the same difficulty to contend with, although in his system a more correct solution should be easier to find. For, according to Segerstedt, Bradley distinguishes between two ideas of truth: truth as »coherence», primarily applied to judgments, which are more or less abstract, and truth as »all-inclusiveness», belonging to the intuitive faculty.²⁰ Even if these ideas cannot always be kept distinct, and Bradley himself does not always keep so rigidly to this distinction its adoption would save the absolute character of truth in purely abstract judgments. Thus we could say $2 + 2 = 4$, neither more nor less, because this judgment is not metaphysical but numerical, and is an abstraction from concrete reality. Its content of truth is therefore to be judged purely formally, not by its completeness. Is not the numerical an abstraction for both Bradley and Bosanquet?²¹ Then why not also draw from it the consequence respecting the conception of truth? Whether the historical judgment mentioned above is interpretable in the same way, is a question that can be best answered after we have investigated Bosanquet's conception of reality.

Before leaving the theory of truth, however, we desire to lay stress on another conception of truth in Bosanquet, which also has its roots in the concrete Law of Contradiction. People often speak of a true or a false musical note, a true or a false man, etc., according to whether or not these objects have the

¹⁹ Principle p. 52

²⁰ Segerstedt, Value and Reality in Bradley's Philosophy, Lund, 1931, pp. 15, 39

²¹ Logic, I, p. 157.

nature to which they lay claim.²² Truth and falsity are here not referred direct to judgment, but indirectly, for in the strict sense it is only the judgments that can be true or false.²³ At all events Bosanquet was of this opinion in his first works on *Lógica*. In his more metaphysical works, where the conception of truth in question was given greater importance, especially in his political philosophy, we find no statement on this point, owing to the fact that here he laid no special stress on judgment, ranking it with the rest of our concrete acts of consciousness. In fact, Bosanquet's course of development displays an ever-increasing tendency to emphasize the concrete and real. This asserts itself most strongly in his investigation of the nature of thought and knowledge. Through this we also get a better elucidation of the conception of truth.

In our quotation from Max Planck we saw that according to him thought works its way from sensuous experience, and we inquired into the cause of this process. Bosanquet would answer that sense-perception is fragmentary, self-contradictory. There is no immediate perception, for it always bears more or less »the form of thinking».²⁴ This assumption is possible for him, since he regards thought as concrete, creative, not merely discursive and relational. In this Bosanquet stands near Hegel but in opposition to Bradley. According to the latter we could only speak of thought provided it were abstract and relational, for »if it ceases to be this, it commits suicide».²⁵ Bosanquet would have replied here that such thought does not exist in our experience. There are in Bosanquet, however, passages that appear to be clearly indicative of thought's being abstract. For instance, he asserts that the »determinate idea is abstract . . . as all thought is abstract», and that thought in

²² *Logic*, I, p. 67, *Essentials*, p. 67.

²³ *Knowledge and Reality*, 2. ed., Lond., 1892, p. 1.

²⁴ *Logic*, I, p. 31.

²⁵ Bradley, *Appearance and Reality*, 2. ed., Lond., 1908, p. 170.

relation to perception is abstract²⁶. By this, however, he does not mean that the content must necessarily be of abstract character. And further, thought in contrast to perception never occurs alone, for both always enter into the composition of every act of consciousness. This line of thought becomes still more prominent in his later writings. Even those traces of a more abstract conception of thought which we found in »Logic«, have now practically disappeared. Although he did not wish to alter anything in the body of the text when publishing the second edition of this work, he added some notes to make his meaning clearer at those points where the old text might have given rise to an interpretation of thought as abstract.²⁷

In Bosanquet's Gifford Lectures we find the concrete aspect of thought worked out to its extreme consequences. Thought, we are insisting, is not a separate faculty of something known as intelligence. It is the active form of totality, present in all and every experience of a rational being.²⁸ On the other hand, thought always contains an element of volition and feeling.²⁹ Against the general tendency to regard feeling and thought as two incompatible qualities, Bosanquet trenchantly pronounces his opinion that of all silly superficialities the opposition of logic to feeling was the silliest.³⁰ From such a standpoint Bosanquet could naturally not endorse Bradley's clean-cut distinction between immediate and relational experience. For Bradley, immediate experience consists in a positive non-relational non-objective whole of feeling, and this feeling in its turn is immediate experience without distinction or relation

²⁶ *Logic*, I, pp. 213 f., II, p. 20.

²⁷ E.g. I, p. 7 n. »Of course this does not mean studied apart from reality'; I, p. 232 n. »thought is as creative as anything in the universe can be».

²⁸ *Principle*, p. 59.

²⁹ *Op. cit.*, 61, 280.

³⁰ *Life and Phil.*, p. 63.

in itself.³¹ Bosanquet, of course, could not accept this view. For him it was impossible to accept pure feeling without reference to an object. According to him this would amount to landing right into subjectivism and hence to taking account of only the mental state that does not refer to something external to itself. He does not deny, however, that in every psychical act there is an immediate aspect which takes the form of feeling, but alongside this there is something more, for immediacy must always be »superseded in all possible degrees by the self-transcendence and universality of the contents with which it is unified»³² And one must no doubt declare that Bosanquet stands here on surer ground than Bradley. Psychologically considered it is open to doubt whether there can be any pure feeling isolated from the other psychical »faculties» But to let it serve, as Bradley does, as a clue to a true conception of reality is a procedure that in the end will no doubt be still more difficult to maintain — this will receive further comment later. Even Joachim, one of Bradley's most faithful disciples, follows Bosanquet here. He rejects not only the view of »the given» *qua* immediacy, but he also denies that the higher immediacy — such as it finds expression in the saint's beatific vision, the artist's inspiration, or the scientist's intuition — has the capacity of serving as a criterion of truth and reality. »Their claim to be experiences of the truth is entitled to recognition only in so far as their transparent form of immediate intuition is the outcome and the sublimated expression of rational mediation.»³³

The other »psychical elements» can no more occur purified than can feeling. The relation of sense-perception to thought has already been touched upon in our comments on immediate experience. It is otherwise quite natural to deny them the

³¹ Bradley, *Essays*, pp 189, 194

³² *The Value and Destiny of the Individual* (quot as Value), Lond., 1912, p. 38.

³³ *The Nature of Truth*, Oxf., 1906, p. 58.

property of being »transparent to thought». This is true in a certain sense. But, as Bosanquet maintains, it holds for everything else too, that it is indeterminate in its »minimum significance». At this point, however, we cannot stop. To make anything apprehensible at all it must be arranged in a greater whole; we must go beyond the immediate given. In these fresh connexions the object acquires a new significance, though this has its ground in what it is.³⁴ It is only in such a whole that we find so much logic in sense-perceptions that we can translate them into words.³⁵ And we come to a higher level when we regard sensuous objects from an aesthetic point of view. Sounds in music can be arranged together in harmony, and colours show a kind of logical system, in the chromatic scale. In an aesthetic impression there is always a meaning that we cannot retain unless we have some object for our aesthetic perception.³⁶

Will and thought also presuppose each other in the same way. The distinction between thought and conation is surely superficial. All thought is the self-maintenance of universals, and every universal is on one side a conation.³⁷ It is owing to this activity in thought and this thought or rationality in will that our world of experience can be extended for us. With thought alone we should remain on the same spot, and with will alone we should be carried from problem to problem without meaning and coherence. Therefore it is not only will to which freedom is ascribed, but for Bosanquet just as we have seen in Hegel, freedom belongs as much to thought. There can no longer be a causeless freedom, but freedom and

³⁴ Principle, pp. 614, The Relation of Coherence to Immediacy and Specific Purpose, Phil. Rev., 1917, p. 262

³⁵ Principle, p. XX

³⁶ Op. cit., p. 63, Three Lectures on Aesthetics, pp. 67

³⁷ Three Chapters on the Nature of Mind (quoted as Nature of Mind), Lond., 1923, p. 66.

necessity of thought are equivalent terms, and no other freedom can be attributed to will

Thus we see that the different »faculties« into which psychologists at times have sought to divide the psychical life are for Bosanquet merely empty abstractions that do not give us a correct picture of our mind. With this we have also received an answer to our question why thought was unable to stop short at sense-perception but was driven onward. This problem would be insoluble if one started from a non-relational, immediate experience, for in that case why should thought not rest content with this perfectly harmonious and non-contradictory world? Nor would our problem be solved if thought were static and devoid of activity and creative power. Should one need to break up this concrete thought by segregating its activity and the immediate element, calling these will and feeling respectively and what remains abstract thought, there need be no obstacle to this if only it is understood that these elements are merely abstractions never isolated in reality. Just here lies one of the greatest merits of Bosanquet's system, viz that in this we find the abstractions re-united with the concrete world from which they have issued and from which the scientist often cuts off connexion in his abstractive efforts.

In treating Bosanquet's conception of thought we have for simplicity's sake ignored one of its most essential aspects, namely its reference to reality. Thought »is always an affirmation about reality ... Its conception is correlative to that of reality«.³⁸ Our next task must therefore be to study how thought or consciousness is related to reality. But this unrolls the whole question of reality, for thought's reference to reality presupposes that we also have a conception of reality, and this in its turn can only be determined in some relation to our experience. Hence we are now face to face with the principal epistemological and metaphysical problem

³⁸ *Life and Phil*, p. 60.

Bosanquet puts his question thus: »How does the course of my private ideas and feelings contain in it, for me, a world of things and persons which are *not merely in my mind*? »How do we get from mind to reality? How do we get from subjective to objective?»³⁹ According to Bosanquet we can speak of two main attempts at solution, neither of which however has fully succeeded in its task. We have the common-sense theory, which in the main agrees with the neo-realistic conception. The common-sense theory assumes reality, the objective, to be independent of our consciousness. Things are the same whether a consciousness is present or not, and therefore reality can be regarded as »a transcendent world — a block universe — fixed in itself as an object without life or activity»⁴⁰ in relation to the subject. The subject comes into contact with this reality through the senses; the external world is, as it were, represented in the mind by ideas, and hence we get two worlds, a real external world and corresponding to this an ideal or mental world of ideas or images.⁴¹

The other attempt at solution is that of subjective idealism. The difficulty inherent in dualism between subject and object is removed by simply sweeping away one of the members, the object, or making it of the same fabric as the subject. Bosanquet attaches a somewhat higher value to this solution than to the former, seeing that it escapes the absurdity of determining something that lies outside the limits of our experience and that must always lie beyond our reach.⁴² But subjective idealism is also impossible of acceptance. Certainly the actual presentations are different from one another, one man's unlike another's. But this is no reason for denying that the object must be something more than these mental processes. The

³⁹ Essentials, pp. 4, 21

⁴⁰ The Meeting of Extremes in Contemporary Philosophy (quot. as Meeting), Lond., 1921, p. 2

⁴¹ Essentials, p. 9.

⁴² Op. cit., pp. 10, 19

presentations which themselves come and go may refer to something *in common* ⁴³ . . . there is in Knowledge no passage *from* subjective to objective, but only a development of the objective »⁴⁴ We must do both the »sides« justice. There are not solely ideas or solely things. Both the abstract and the concrete are equally necessary for reality: »the ideas, taken as parts of a world, *are the things*«. ⁴⁵ Therefore, instead of saying »I judge«, it is more correct to say that »the *real world for me, my real world, extends itself*«, ⁴⁶ and instead of »'I think' to say 'it thinks in me' or 'my world in me takes the shape that —'» ⁴⁷ Thought, judgment, knowledge become a medium through which reality is revealed to us.

The synthesis between the common-sense theory and subjective idealism does not however appear to be perfect. It seems to be difficult for him to keep both members: »the real world for every individual is thus emphatically *his* world; an extension and determination of his present perception, which perception is to him not indeed reality as such, but his 'point of contact with reality as such'.⁴⁸ Hence, on one hand, the real world is the individual's own, on the other, it must be something independent of the individual's mind. Bosanquet seeks a solution by letting the »worlds« of the individuals correspond.⁴⁹ This correspondence, however, does not take place between the ideas and a reality lying outside them. Such a view must be repudiated as absurd.⁵⁰ The correspondence concerned here is based on the fact that the systematic wholes of thought of the different individuals represent one and the same thing, working by the same rules

⁴³ Italics ours.

⁴⁴ Op. cit., p. 22.

⁴⁵ Op. cit., p. 12.

⁴⁶ Logic, I, p. 3

⁴⁷ Life and Phil., p. 61.

⁴⁸ Logic, I, p. 3

⁴⁹ Essentials, p. 17.

⁵⁰ Logic, II, p. 263.

but with different starting-points. Hence the systems are not exactly alike, and therefore the different 'worlds' are the individuals' own, but at the same time these worlds are only different points of view of the same reality, they can, as it were, be connected together into a totality, a reality. And the more we widen and deepen our worlds by constructive thought, the better they correspond with one another. The necessary condition for the achievement of this, however, is that reality is systematic, constitutes a logical whole.⁵¹ The category of totality thus makes it possible for us to frame a conception of reality.

We have accordingly seen that reality must fall within our world of experience. But now another question arises: In what experience or in which acts of mind does reality present itself most fully? Is it in judgment or in feeling or in sensation or in immediate experience?

Bosanquet's point of view stands out most distinctly if we see it against the background of Bradley's theory of reality. According to this, reality presented itself best in immediate experience. Sense-perception also belonged here.⁵² How near this immediate experience comes to absolute reality is not, however, clearly indicated. It was in any case the clue to how the absolute world was to be conceived, for both this and immediate experience were non-relational. Between these two non-relational worlds, the immediate, subrelational, and the absolute, superrelational, fell the world of thought and knowledge belonging to the relational sphere.⁵³ From the viewpoint of immediate experience Bradley could define reality as revealed by 'presentation', intuitive knowledge, 'feeling', and 'perception'.⁵⁴ In *'Appearance and Reality'* he laid stress

⁵¹ *Essentials*, p. 18

⁵² *Appearance*, p. 144, *Essays*, p. 247

⁵³ Cf. Segerstedt, *op. cit.*, p. 54

⁵⁴ Bradley, *The Principles of Logic*, 2. ed., Lond., 1922, p. 44.

on »the sentient experience». ⁵⁵ But in »Essays on Truth and Reality» everything falls under feeling »Everything that is real must be felt», and outside »feeling» no reality could fall ⁵⁶ From this it was a natural step to make reality psychical, a step that Bradley actually took. ⁵⁷ Hence there could be no reality outside the experience of finite centres, even if these centres need not be »souls» or »selves» or reality should necessarily become *my* experience. ⁵⁸

Now what is it in these ideas that Bosanquet cannot accept but that have nevertheless been denoted as necessary consequences from his own starting-points? The difference between Bradley and Bosanquet is after all greater than the latter with his veneration for his fellow-idealist is willing to admit.

We have already seen that Bosanquet denied the possibility of experience as merely immediate. However, it entered as an element into every act of consciousness, but it was a »phase», not a »stratum of consciousness» ⁵⁹ Hence immediate and mediate experience presupposed each other, so that a purely discursive, abstract thought can no more exist than can a pure immediate experience. He can therefore agree with Bradley that reality is given in sensuous experience; indeed, that it is altogether meaningless to assume a non-sensuous world. ⁶⁰ But he does not stop at the view of the sensuous world as an indeterminate immediacy; even the most elementary sense-perception bears according to him the form of thinking. Reality is a synthesis of perception and judgement, it is »our present perception as extended by interpretation» ⁶¹ In this way Bosanquet avoids, firstly, the inclusion in his theory of

⁵⁵ Appearance, p. 144, Cf. Metz, op. cit., p. 323

⁵⁶ Essays, pp. 157, 315

⁵⁷ Appearance, pp. 144, 455 ff

⁵⁸ Op. cit. pp. 529 f.

⁵⁹ Logic, II. p. 297.

⁶⁰ Logic, I, p. 187.

⁶¹ Essentials, p. 32

an indeterminate thing-in-itself, which Bradley has had greater difficulty in excluding. secondly, the making of reality determinate in a specific sense, for instance, making it psychical as Bradley did.

1. It is claimed that thought gives the thing-in-itself or the object — which is really independent of the subject — properties and relations that conceal its character of reality. At the same time, however, it is believed to be the task of thought to conceive the object in its original character. Or we may express it thus: by thought we seek to comprehend reality, but the forms of thought obscure reality, which can only be present either prior to experience or in immediate experience. The former we especially find in Norström. Reality is for him a subconscious or sub-objective single whole, a shifting threshold-value standing in inverse ratio to attention⁶². It is an indeterminate 'matrix', closely corresponding to the 'matrix prima' of Aristotle or the neutral stuff of Eelsen. This view has the feature in common with the theory of immediate experience that it apprehends the real object as something indeterminate, which is presented in Bradley as an indeterminate 'that' or 'other', only apprehensible 'in one whole of feeling'. This last-mentioned theory, however, differs from the view of a pure thing-in-itself by fastening on experience; but the question is if we must not in the last resort regard this subrelational experience as a fiction, and as its connexion with superrelational experience is not always clearly established, it is very difficult for Bradley to escape the above-mentioned consequence.

The view that the most adequate form of reality exists in immediate experience is indeed one that Bosanquet has opposed on the ground that the more determinations an object gets, the more real it will be. Indetermined things are unreal. If it is to be possible to speak of a true reality, this must mean

⁶² Religion och tanko, Sthm, 1912, pp. 197 f

what »is most fully and determinately experienced». ⁶³ Bosanquet considers it falling into the error of naive realism to assert that reality only exists in the given and not also in the extension and interpretation of the given by thought. A perception is more or less self-contradictory, but we cannot go back to something still earlier than the given in order to get rid of the contradictions. Only by a positive process, which goes forward, are the contradictions overcome. »You destroy all positive reality if you attempt to go back by simple substraction to a point anterior to perception and say that the real is what it is when perception is withdrawn.» We experience things such as they in reality are, for the real thing is not merely »really that», it is also always »really something». ⁶⁴ If we must have a »thing-in-itself», we can therefore, non-contradictorily, only let it mean the thing in its normal determinations, not the indeterminate thing.

His theory also supplies us with an explanation of what forces us away from sensuous experience to a world of thought. Planck's thesis also receives its confirmation here. Like Planck, Bosanquet also views the work of thought as a progression towards the real world. It is neither the sensuous world nor our present »physical» conception of it that is the »real reality», to use one of Bosanquet's favourite expressions. Both these »world pictures», regarded as isolated, are abstract and fragmentary — perhaps the physical »reality» more than the sensuous, as it is extended only in *one* direction — but the sensuous world taken along with its physical determinations is more real than without them. And we do not receive the »real reality» until through science, art, morality, religion, etc we give the sensuous world more and more determinations. Hence we proceed from a less real to a more real reality in

⁶³ Life and Phil., p. 58.

⁶⁴ Meeting, p. 35, Cf. Segerstedt, The Problem of Knowledge in Scottish Philosophy, Lund, 1935, p. 145.

order to find our way gradually to the real reality itself. This mode of reasoning eliminates the previously mentioned problem that Bradley had to wrestle with: Why leave the non-contradictory unity of immediate experience to plunge into the differences and contradictions of the relational world? This is merely a new edition of Schopenhauer's paradox, where intelligence is both a help and a hindrance to true reality, i. e. will. Bradley recognizes the insolubility of the problem. But, by assuming a superrelational experience in addition to the subrelational, he can none the less assert that the more we know of a thing, the more reality it possesses. Thus, thought need not force us from reality, but can proceed instead from one unity to another higher unity, the Absolute.⁶⁵ But will not the subrelational reality then be less real than the world of thought? It seems as if Bradley has overrated the non-relational element in absolute reality and in doing so ignored the fact that 'completeness' is also bound up with the criterion of reality, this in spite of his having stressed that there is not a 'that' without a 'what', or the converse. Bosanquet will not leave any of these points of view out of account, and therefore it is easier for him to cope with the problem of reality. The 'world of thought' possesses both immediacy and completeness. On the other hand, the immediate given, at least in its lower form, possesses practically only immediacy, though it may also have a very low degree of completeness. In such case Bosanquet need have no hesitation in deciding whether the immediate given or the world of thought is the fuller reality.

2. The interpretation of immediate experience as true reality makes reality psychical.⁶⁶ Reality in this way becomes a certain specific reality,⁶⁷ and Bradley has thereby been guilty of what Tegen calls 'the principal error of all ontology and all metaphysics', viz. 'to reduce all being to a certain kind of

⁶⁵ Appearance, p. 552. Essays, p. 275.

⁶⁶ Appearance, p. 144.

⁶⁷ Segerstedt, Value and Reality, p. 260.

being», e. g. perceptions. the matter.⁶⁸ Bosanquet saves himself from such an accusation by making everything real or, more correctly, making everything degrees of reality »Everything is real, so long as we do not take it for what it is not.»⁶⁹ The physical is as necessary for the whole as the psychical, but it must not be allowed to count for more than it is. Even though he says that what is physical can be »psychical», he merely means that it can be an object for our consciousness in case it is to have full existence,⁷⁰ and thus it need not imply that reality *qua* reality is psychical. How this relation between the physical and the psychical is more closely to be conceived, is a metaphysical question to which we shall return in another connexion. Here we will merely follow Bosanquet in his logical and epistemological attempt to correlate our judgments with reality and by this means see how the act of consciousness presupposes the real

Bosanquet defines judgment — and also knowledge, as merely a system of judgments — in the following way. »I affirm the meaning of the idea, or the idea considered as a meaning, to be a real quality of that which I perceive in my perception»; and he regards »the ideal content to be, so to speak, of one and the same tissue with what I have before me in my actual perception».⁷¹ Hence in every judgment we have two elements: a subject, which is given in a sense-perception, and an objective reference, which consists of abstract ideas that become real in their reference to the given. We will take an example to illustrate this. When we make the judgment »This house is my home» the subject gets its reality-sphere extended by the fact that the predicate »my home» is real, since it is ascribed to an existing subject. It is thus put into connexion with a further reality, and the truth of a judgment

⁶⁸ Tegen, *Om världen och vetandet*, p. 33.

⁶⁹ *Logic*, I, p. 258, Principle, p. 240.

⁷⁰ Principle, p. 361 n.

⁷¹ *Logic*, I, p. 71.

lies in the ideas being harmonious and non-contradictory." Thought constitutes a totality, which is the real world. Hence the subject »this house« has received its qualities through more or less conscious judgments, and through the new judgment it merely becomes more determined and more real. This course of thought must not be ignored when such utterances as seem to imply an entirely opposite view are being interpreted. Bosanquet says, for instance,⁷² that a judgment is »an attempt to make explicit the nature of reality«, that the ultimate subject is the real as a whole and the idea must be regarded »as simply indicating or calling attention to some aspect of the real world«.⁷³ Here it will perhaps be thought that reality lies »as a fixed substance, as a thing-in-itself, behind our judgments. But this reality is also a product of our thoughts. It must be remembered that for Bosanquet judgment is not merely analytical, i. e. does not merely analyse out properties and relations from an underlying reality, but it is also — and perhaps principally — synthetic, reality-extending, since thought is not static and discursive but concrete and creative. It can therefore be said that Bosanquet's view of reality signifies a continuation of that struggle against the notion of substance which was instituted by the eighteenth-century British empiricists. It is true, and in this Bosanquet agrees with Mill, that in the judgment we seek to predicate something about reality; but for Bosanquet this reality is given in an antecedent judgment, and so on. We cannot draw any absolute boundary between the given and »its extension« through judgment. The difference is only relative. They continually overlap and we cannot delimit the subject to »this spot or point«.⁷⁴ With every judgment the given gains a fresh quality and at length the subject will therefore become the real world as a Whole, which we characterize with qualities and relations. Bosanquet's

⁷² Op. cit., I, pp. 3, 66, 71.

⁷³ Op. cit., I, p. 137.

⁷⁴ Op. cit., I, p. 73.

attitude towards the question of the relation between judgment and reality may therefore be summed up thus: The given independent of an ideal reference, we have no clear experience of; the ideal content without reference to the given is abstract, empty, unreal. In the first abstraction lies the belief in an indeterminate thing-in-itself, or at least the assertion of an immediate experience, in the second abstraction we find the Marburg School's mistake, not least of all Kelsen's.

The first abstraction has already occupied our attention long enough to make further comments unnecessary here. As regards the second we will add to what we said in the first chapter a few words to defend Bosanquet from the accusation that has been brought against him, viz. that his philosophy is in agreement with that of the Marburg School. According to the latter pure thought itself created its own content.⁷⁵ Now Bosanquet will not deny that there are abstract and hypothetical sciences, e. g. arithmetic and geometry. But the hypothetical judgments of these go back ultimately to a categorical judgment of reality. To him it is an intolerable dualism to allow a judgment to be determined from two starting-points: sense-experience and ideal construction, concrete judgments of reality and abstract or hypothetical ideal relations.⁷⁶ It was against this dualism in Bradley that Bosanquet's first great work, »Knowledge and Reality», was directed. According to Bosanquet, behind the hypothetical propositions there is a real system, a concrete reality, which constitutes the foundation of these propositions. It can therefore be said that the geometrical propositions are abstract but real.⁷⁷ The same applies to the numerical series, which in »Logic» he states to be unreal if

⁷⁵ Cf. Kinkel, *op. cit.*, p. 124.

⁷⁶ *Knowledge and Reality*, pp. 17, 34.

⁷⁷ *Logic*, I, pp. 183 f.; II, pp. 185, 207. We shall see later that in his subsequent and more metaphysical view the element of reality receives still greater prominence, as then he also includes the individual act of thought.

severed from its applications to reality. But this unreality does not depend on the ideal element, but on the absence of limit and totality in the numerical system.⁷⁸ Bosanquet ought to have fastened more on this property, for if the numerical series possesses no totality, or if it is considered apart from its application to reality, then it is of course impossible here to speak of degrees of truth and falsity, at all events in the same way as in an historical judgment, as e.g. Charles I. died on the scaffold. The former judgment does not stand in concrete systematic connexion with other numerical judgments, but can so to say be disconnected from its concrete surroundings, whereas according to Bosanquet's theory this is impossible in the case of the historical judgment, for what is predicated in this implicates its whole environment.

It has already been shown in our exposé that Bosanquet not only co-ordinates sensuous experience and the ideal content from the point of view of reality, but that he also identifies reality with the content of consciousness, or briefly expressed, identifies thought or truth and reality. But how is such an identification conceivable, particularly where the relation between an ideal reference and the concrete, sensuous reality is concerned? Does not Bradley come nearer the true conception of the relation when he sees only the identity between immediate experience and reality, not between the latter and the relational »world of thought»? Salomaa has expressed this view thus that truth and reality cannot be identical, because reality is merely an object of truth, truth is referred to its object and cannot coincide with it, »die Wahrheit ist, wie Leibniz sagt, in den Gegenständen, aber diese sind keine Wahrheiten».⁷⁹ One might also say that truth is *valid* but reality is

⁷⁸ Logic, I, p. 157

⁷⁹ Idealismus und Realismus in der englischen Philosophie der Gegenwart, Helsinki, 1929, p. 100

formal sense, so that it received almost the character of a tautology. But this is not his intention. He also speaks of thought being correlative to reality. »If you ask what reality is, you can in the end say nothing but that it is the whole which thought is always endeavouring to affirm. And if you ask what thought is, you can in the end say nothing but that it is the central function of mind in affirming its partial world to belong to the real universe.»⁶⁰ As we see, we have not to do with an identity that is entirely undifferentiated. And the identity we have here found between thought and reality entirely agrees with his general conception of identity. In an essay on the conception of identity in »Essays and Addresses» he contends that »if the Law of Identity were to mean that everything is equal to itself», hence an identity without differences, all judgment would be impossible.⁸¹ »An identity is a universal, a meeting-point of differences, or synthesis of differences, and therefore always, in a sense, concrete . . . the element of continuity that persists through differences.»⁸² This identity in difference means according to him the same as the unity in plurality or the relation between the whole and its parts, and therefore in contradistinction to the tautological identity he maintains a concrete or »systematic identity».⁸³

If we thus consider this conception of identity in conjunction with Bosanquet's view of truth and reality as graduated, the relation between truth and reality in Bosanquet's system will be less difficult to understand. As we have seen, reality is here not something fixed and delimited of which we have a more or less true counterpart in our consciousness, but is extended by our judgment referring ideas or attributes to a (logical) subject. If these ideas can be embodied in a systematic

⁶⁰ *Life and Phil.*, p. 60.

⁸¹ *Op. cit.*, Lond., 2. ed. 1891, pp. 163 f. (The essay is also published in *Science and Phil.*)

⁸² *Op. cit.*, p. 165

⁸³ *Logic*, I, p. 244.

whole. they are true, if not, they are false,* and the more determinate and systematic this whole becomes, the more real and the more true are also the ideas contained in it. However, we cannot make this whole completely determined and completely harmonious, and consequently the ideas stand in a more or less relational connexion with it, but this does not prevent identity prevailing between the true ideas and reality, because the ideas can be regarded as systematic elements in a real totality. »Wahrheit wird Ideen zugeschrieben, falls sie wirklich sind; je mehr Wirklichkeit in einer Idee steckt, desto wahrer ist sie«. ⁸⁴ was also, according to Chappius, Bradley's final view. But when Bradley denies identity between truth and reality, he has primarily the absolute reality in view. That finite truth is identical with absolute reality is not asserted by Bosanquet either, but this does not prevent him from seeing identity between a relative truth and a corresponding relative reality. Here, Bosanquet has proceeded more consistently than Bradley, for, as the latter has the same conception of identity as Bosanquet, and as besides this he assumes that reality has degrees, ⁸⁵ from such starting-points Bosanquet's view ought to be a necessary consequence. Once again it is Bradley's definition of reality as being concretely present only in a certain special experience, the immediate, that has occasioned the differences between the two philosophers. ⁸⁶

Now whether this identity implies, as in Bosanquet, an identity between reality and all experience, both the relational and the immediate, or which is the case in Bradley, an identity between reality and immediate experience it is equally difficult to explain why we extend the boundaries of our experience by new discoveries. It would thus appear that we are not *discovering* but *producing* what is new. But is not such a view at

⁸⁴ Der theoretische Weg Bradley's, Paris, 1934, p. 9

⁸⁵ Appearance, Chapt. 24

⁸⁶ Cf. Gamertsfelder, Thought, Existence and Reality as viewed by F. H. Bradley and B. Bosanquet, N. Y., 1920, p. 16

variance with the current way of regarding a thing as existing independent of whether or not we experience it? We have already seen how it was urged against Green that he had identified two different propositions: 1. We can have no knowledge of reality except through our consciousness. 2. Reality cannot exist except through our consciousness. The first proposition is true, but not the second.

Such criticism is more or less applicable to all idealistic philosophy, and in fact to all philosophy that identifies reality with experience. In his criticism of Bradley's conception of reality, Salomaa points out that if one accepted such an identity, »dann wäre beispielsweise der Nordpol erst wirklich geworden, nachdem er zu Erfahrung eines begrenzten Zentrums geworden wäre, oder ein Fixstern . . . nachdem man ihn gesehen hätte».⁸⁷ Segerstedt considers that Bradley could meet the objection by stating that there were other finite centres than individuals, or that everything must be contained in the experience of the Absolute.⁸⁸ Neither of the answers, however, would satisfy Bosanquet. He regards the assumption of finite centres outside human consciousnesses as unreasonable and unnecessary, and the reference to the experience of the Absolute is no proper explanation. What Bosanquet himself considers the answer should be, is not always easy to infer from his conception of reality. A direct answer may be found in his words: »When we discover, we neither add to the universe nor repeat it. We simply play our part, which as we are finite, has a beginning and an ending, in its self-maintenance.»⁸⁹ We must not apprehend reality as something pre-existent, as »a dead transcendent block», neither must we, like the Italian Neo-Idealism or the Marburg School, allow thought to create its own object: »*You* do not make the world; *it* communicates your nature to you, though in receiving this you are an active organ of the world

⁸⁷ Op. cit., p. 71.

⁸⁸ Segerstedt, *Value and Reality*, p. 66.

⁸⁹ *Logic*, II, p. 249.

itself».⁹⁰ It will perhaps be thought that this is no answer at all. What Bosanquet gives with one hand, he takes away with the other. Reality becomes neither something dependent on us nor something independent of us. How such a synthesis is to be conceived will receive a fuller explanation in our exposition of Bosanquet's metaphysics than has been possible here. We shall there see that Bosanquet gives Nature temporal priority to human consciousness, but simultaneously maintains that Nature does not become fully real until it is taken up in a consciousness. We may however be permitted to anticipate here our coming exposition and answer Salomaa by saying that according to Bosanquet the newly discovered fixed star certainly existed anterior to its discovery in Nature, but — and so we will draw the consequence — that it was none the less not fully real prior to this discovery. Only through the determinations it receives through our consciousness does it become real in the strict sense; its self-maintenance becomes complete, for the more determinations an object gets, the more reality it will possess. An object that is not present in some consciousness therefore has too few determinations, if it has any at all, to be real in the strict sense. We should then merely have a ›that‹ without a ›what‹, i. e. an entirely abstract object. One attribute, however, is possessed by the whole of reality discovered by us: it lies implicit in our actual experience.

Another objection made against Bosanquet's system of identity is directed against its rationalism.⁹¹ It is claimed that Bosanquet has ignored the irrational elements of reality, and this is considered a weakness that Bradley has escaped by refusing to identify thought and reality on account of the irrelational and irrational character of reality. But the difference here between Bosanquet and Bradley is not so great as there has been an inclination to assert. That rationalism we find in Bosanquet has nothing to do with the abstract rationalism

⁹⁰ Meeting, p. 3

⁹¹ Salomaa, *op. cit.*, p. 98

of the 17th and 18th century. The German classical idealism of which Bosanquet stands as modern representative repudiated just this abstract rationalism. Bosanquet therefore rightly contends that Hegel's idealism is the antithesis of what is usually called rationalism.⁹² And a philosophy that regards even contradiction as real has only its name in common with orthodox rationalism. We must not here allow ourselves to be led astray by the fact that thought and universals are component parts of all determinations of reality according to Hegel and Bosanquet. The fact that Bosanquet apprehends thought as concrete, emotional, and conative has already been emphasized by us sufficiently to prevent any confusion being made here with abstract thought, such as in some measure Descartes, Leibniz, and Spinoza conceived it. As for universals, which are the core of Hegelianism, these have, as we have also previously pointed out, nothing at all to do with current abstract universals, but are wholes, individualities, worlds. Having now seen how this concrete conception of wholeness underlies the solution of the epistemological problems in Bosanquet and, as we shall see later, is the key to the understanding of the whole of his political philosophy, we will now take up for consideration Bosanquet's view of the concrete universal. At the same time we get a transition from Bosanquet's theory of knowledge to his metaphysics proper.

c. The Concrete Universal.

Bosanquet, like Plato and Hegel, saw in the universal the true reality, and regarded the particular, the individual, as something less real. The universal was not an abstract concept, but concrete, whereas the individual was abstract, not concrete. This reversal of the customary way of regarding things must be borne in mind if we are to understand Bosanquet's philos-

⁹² Logic, II, p. 270 n., Cf. Aspelin, *Hegels praktiska filosofi*, p. 31 n

ophy. For Bosanquet the universal is not a genus-concept in relation to a species-concept but a concrete reality with all its determinations. A very illuminating example of his view is given in his comparison between the primitive man and the civilized European. »A savage has not the individuality of a modern European; he is more abstract; his nature includes fewer differences, less profound feelings, less grasp of fact, and less definiteness of imagination «⁹³ Consequently, when Bosanquet makes the universal the central conception in his philosophy, this indicates that his philosophy is concrete, not abstractly rationalistic. Its object is to understand the whole, the concrete, or, as he likes to phrase it, to understand Life. We cannot understand life by resolving it into its components, for Life such as it is given in concrete experience is a whole, a totality.⁹⁴ To see life from only a specific point of view may be a legitimate task for the special sciences, but philosophy must not follow such a path, for then it will be leaving reality, the single object that is philosophy's own.

Bosanquet has here had Hegel as his prototype. There is a difference, but not one of essential importance. Hegel distinguished between understanding or the faculty of reflexion that works with abstract universals and is of an analytical character — »Die Tätigkeit des Scheidens ist die Kraft und die Arbeit des Verstandes «⁹⁵ — and reason, the speculative faculty that strives to apprehend the concrete universal, the whole, which is »Leben«, »Geist«, »absoluter Begriff«, »Totalität«.⁹⁶ Bosanquet did not make this sharp distinction. There was according to him no purely abstract understanding, for every thought possessed an element of immediacy, the concrete

⁹³ Logic, I, p. 65

⁹⁴ Principle, pp 56 ff. Bosanquet's interpretation agrees here with that of modern biology

⁹⁵ Phänomenologie, p 22. Cf. Logic, II, pp. 248 ff

⁹⁶ Logic, II, pp 244 f

striving for unity⁹⁷ But Hegel is in agreement with Bosanquet in so far that he regarded the logic of reflexion as something contingent and incomplete that must be overcome by the logic of reason.⁹⁸ By means of his dialectic method, however, Hegel could purify the abstract element, and hence in him it comes out more distinctly that the abstract also has its end, its distinctive character, and that the boundary between the two conceptions must not be wiped out, which occurs too readily in Bosanquet and has given rise to misinterpretations of his philosophy

In this connexion we should not omit to observe that there is a difference between Bosanquet's conception in »Logic» and that in his later more metaphysically coloured works — a fact that we have already indicated several times. In »Logic» it is knowledge or judgment that is the principal theme, in the later writings (including the additions to the second edition of »Logic») it is Life, the aesthetic, ethical and religious life, that dominates. This new standpoint is partly due to Bosanquet's altered attitude towards the task of philosophy. In his essay »Science and Philosophy» he points out that at the outset he regarded philosophy as merely logic, considering that pure truth could only be sought in the sciences and that the function of logic was to establish a coherent system »of the form or ultimate universal essence of all objects».⁹⁹ Soon, however, he found that philosophy could not rest content with this restricted sphere. Even though philosophy is a theory and has theoretical interests, yet its object-matter need not be a theory, and, in order to be a perfect theory of reality, philosophy must take into consideration the whole of reality with all its activities and values, and not merely that part which has fallen to the lot of science.¹⁰⁰ But this change of view is also due in part

⁹⁷ Principle, p. 138.

⁹⁸ Wenke, op. cit., p. 12.

⁹⁹ Science and Phil., p. 19.

¹⁰⁰ Op. cit., p. 21.

to the actual nature of the subject. In his exposition of logic he was obliged to take into account the mode of conception and the terms belonging to current logic, analytic and synthetic judgments, form and content, part and whole, genus and species. His criticism of these notions incidentally affords us a clear picture of his own positive standpoint. To motivate his own standpoint here he had to show the relation between this and abstract logic. This also constrained him to show in what measure the abstract as such could possess justification. In his later writings, however, the abstract element — which according to him must nevertheless be present in all concrete thought — is frequently forgotten in the concrete and real that overshadows everything. As a very illustrative example we may mention Bosanquet's theory of the character of reality inherent in geometrical propositions. In the first edition of

Logic, he says, for instance, 'A triangle must be just as real when no one is thinking about it as when many students are engaged'. In the second edition he has added a note running: 'This is overstated. Every thought, we must suppose, contributes something . . . to the reality of what it thinks of'.¹⁰¹ Bosanquet is right in both cases. It is correct that a geometrical figure, *qua* geometrical be it noted, is always equally real, independent of a thinking subject, since an abstraction has *ab initio* been made of this subject. On the other side, it is also correct that the thinking subject contributes to the character of reality possessed by the geometrical figure, viz. from a metaphysical point of view for all reality constitutes a whole where everything depends on everything. Bosanquet's great merit is that he has wished to bring philosophy back to the exploration of reality, to the concrete. This merit is not wiped out by the fact that he has neglected to give due consideration to the abstract, though this has created an obscure element in his philosophy. Hegel was wider awake to the

¹⁰¹ Logic, I, p. 182 and note

distinctions when he let the pair of opposites abstract-concrete correspond to the relation between the static and the dynamic. Bosanquet was also on the right track when he said that »Morphological Unity has degrees, but relativity or necessity has none»¹⁰² As relativity and necessity are characteristic of the hypothetical propositions, the conclusion should be that the graduated conception of truth has no application to these propositions, an inference that Bosanquet did not make.

After this digression, which we have made to show Bosanquet's altered view and hence to preclude contradictions being seen where only a new point of view is concerned, we can return to the more positive determinations of the concrete universal.

Bosanquet opposed the thesis of formal logic, viz that the extension and intension of a concept must always vary in inverse ratio to each other, a view that according to him originates from the dominating influence the relation genus-species is allowed to have. But such a classificatory system is only conventional, fully legitimate for certain sciences, but cannot find a place within it for concrete life. Other conditions prevail here, where »the largest conceptions of thought will not be the *summa genera* of a hierarchy of abstractions, but ideas of a self-determining totality, comprising an enormous intension corresponding to their immense extension».¹⁰³ In his last logical work »Implication and Linear Inference» he expresses it thus, that thought must work in a connected system, a totality, where one thought is implied in the other. and not according to a syllogistic scheme of inference that is linear.¹⁰⁴ It is totality, not the class, that is the highest universal. The former depends on as many determinations as possible, the latter on as few as possible. The criterion of universality under the genus- or class-concept is the number

¹⁰² Op. cit, I, p. 136

¹⁰³ Op. cit, I, p. 64.

¹⁰⁴ Op. cit, pp. 16. 21.

of subjects that share a common predicate, under the concrete universal, conversely, the number of predicates that can be assigned to a single subject.¹⁰⁵ »The universal, the very life and spirit of logic, did not mean a general predicate, but the plastic unity of an elusive system.«¹⁰⁶ It is a system of 'connected members'. Here we meet with the criterion that we have seen Bosanquet use in his determination of reality. This is quite natural, for according to him the concrete universal and reality are identical conceptions. As we have seen, reality is not something static, something fixed, but a dynamic systematic totality. The concrete universal is determinable in the same way. The totality represented by this conception is a product of the conation of thought for unity, system, the »synthesizing activity by which we get on in experience«,¹⁰⁷ and the more system, the more concrete universality, and also the more true reality. Instead of concrete universal Bosanquet also uses such terms as we have previously seen him using as characteristic of reality, e.g. 'logical universe', 'coherence', 'completeness', 'a whole of facts', 'organism', 'system', 'individuality', but preferably 'world', 'cosmos'. We get an illuminating analogy to the concrete universal if we compare it with the individual and his world of ideas. The less content his consciousness has the less universality it has, and the more the individual frames an harmonious system from as large a content of consciousness as possible, the more concrete universality the world presented to him will hold. Consequently there is strictly speaking only one true universal, and that is the Absolute, for only this constitutes a whole world in itself.

Against Bosanquet's concrete universal Salomaa has objected

¹⁰⁵ Principle, pp. 39 f.

¹⁰⁶ Life and Phil., p. 62.

¹⁰⁷ Marion Crane [Carroll], the Principles of Absolutism in the Metaphysics of Bernard Bosanquet (Repr. in Phil. Rev., XXIX, XXX), N. Y., 1921, Phil. Rev., XXX, p. 3.

that it is impossible to get a corresponding concrete reality to such concepts as »man», »dozen», »triangle», »larger», »justice», etc. He has further submitted that the concrete unity of a work of art has no influence on universals because the unity of the work of art is perceived by us immediately and not with the aid of thought.¹⁰⁸ The first objection springs partly from the want of clearness in Bosanquet's determination of the relation between the abstract and concrete. It must be remembered, however, that Bosanquet does not deny abstract notions, but thinks that these are unreal and cannot therefore be given the same wide place in philosophy as concrete universals. The latter, on the other hand, express the true essence of a thing, are totality formations, while the former are merely a collection of similarities in two or more related objects. 'Man', 'dozen', 'triangle', etc. are not concrete but abstract. Conversely, 'work of art', 'individuality', etc. are concrete universals, not abstract. If we compare the work of art with the atom, we shall see the essential difference between the concrete and the abstract. The atom (in its original sense) is indivisible, since we cannot conceive of anything smaller, the work of art is also indivisible, but this is because the least abstraction from the whole would change the whole. The atom is a fiction, an instrument that science must work with in order to achieve a result; the work of art is self-sufficing, it forms a whole of its own beyond which thought does not strive to pass. The concrete universal is therefore of quite a different nature from the abstract concepts. To a view of the abstract, as unreal Salomaa has doubtless no objection. His criticism of Bosanquet rests in fact on a misinterpretation of the latter's concrete universal.

Salomaa's other objection was also engendered by the same misunderstanding. When Bosanquet lets thought enter into aesthetic experience, he does not mean abstract thought but,

¹⁰⁸ Salomaa, *op cit*, pp 105 ff.

as we have seen, concrete, creative thought. But Salomaa has disregarded this aspect of thought, and his criticism therefore has reference to abstract thought, a criticism that Bosanquet himself would have immediately endorsed.

d. Mind and its Objects.

The concrete universal has shown us the direction in which we ought to seek the solution of several of those epistemological problems which in the preceding investigation we were unable to follow to their extreme consequences because the necessary basis for such a procedure was missing. This applied in particular to the relation between the psychical and the physical, between our consciousness and the surrounding reality. We have seen that Bosanquet appears both to affirm and to deny the independence of Nature, and we have shown that in his later writings he even made the individual act of thought contribute to the reality of the apprehended thing, e.g. that of geometrical figures. An attempt to show how such a theory of reality is possible will be made in this section.

A good guide for this inquiry can be obtained by comparing Bosanquet's earlier standpoint with his later one. In 'Logic and Essentials' of Logic he drew a sharp borderline between the mental process and the logical idea. 'Psychology treats of the course of ideas and feelings, Logic of the mental construction of reality.'¹⁰⁹ Psychical ideas are particular, incidental, transient images that are different in different individuals and never twice the same.¹¹⁰ Logical ideas, on the contrary, are constant, of them it is characteristic that an identical reference invariably lies in the psychical images, so that these serve as material for the ideas. It may be said that logical ideas are psychical ones viewed *sub specie aeternitatis*,¹¹¹ and can

¹⁰⁹ Essentials, p. 4

¹¹⁰ Logic, I, p. 70

¹¹¹ Op. cit., p. 38

therefore be the objects of our thought. Primarily they concern the meaning of a word. They symbolize something and are therefore also called »symbolic ideas» in contrast to psychical ideas or images.¹¹² For instance, mention of St. Paul's Cathedral in London calls up different images in different persons, but the name symbolizes the same thing to every person and at every moment of time. The different psychical images have faded away, but there remains the identical reference, which is the reference of an idea to an object in our systematic and real world. But by this Bosanquet has not meant that this logical idea is abstract — except for certain analytical sciences; on the contrary it is the psychical idea or image that is abstract or fragmentary. We have already seen that through judgment ideas qualify and extend what is given in experience, that is, they extend and systematize reality. First through ideas it is possible to construct a whole of the various psychical images, and this whole is in our example St. Paul's Cathedral. Unless reality takes this ideal form we get no reality at all, but only a jumble of psychical ideas and images.

It was rightly urged, firstly, that this view did not fully elucidate the relation between the two kinds of ideas, secondly, that it did not correspond to the concrete universal of speculative idealism because it denied the psychical ideas reality, and for this reason Bosanquet was obliged to supplement his original view.¹¹³ It was the quest for a more concrete whole that impelled him to take up the problem afresh from other points of view.

Nor is the new standpoint moulded into clear and finished shape in spite of Bosanquet's having devoted no less than two works, »The Distinction between Mind and its Objects» and »Three Chapters on the Nature of Mind», exclusively to investigating the relation between the psychical image and the

¹¹² Essentials, p. 79.

¹¹³ Hall, Bernard Bosanquet on the Psychical and the Logical Idea, The Monist, 1931, pp. 101 ff

logical ideas or, as the problem subsequently came to be formulated, the relation between the content of consciousness and objects. Many contradictions still remain unsolved. The final result itself might be summed up thus: Act, content and object cannot be separated, for the act can only be the way in which the object, i. e. the real world, takes shape in the psychical images, so that the more logical stability these possess the more true is the revealed reality. Bosanquet has here, at any rate apparently, overcome the dualism between the psychical image and the logical idea, and at the same time, shows us how consciousness constitutes a true concrete universal. We shall now examine more closely the method by which Bosanquet comes to the above-mentioned result.

In the first edition of *Logic* we already find two tentatives — to which Hall also refers — in the direction of Bosanquet's later view. They are his assertion that an Impression or sensuous idea becomes a logical idea when it is fixed and referred,¹¹¹ and his application of the notion 'use' in e. g.: 'We use' the psychical image for the general signification, which is the logical idea.¹¹² In the second edition this point of view becomes more apparent: the difference between mental states and ideas with a meaning lies in the 'use' of the former.¹¹³ The content of consciousness is 'used' when by a judgment it qualifies a real world. This is the work of thought as opposed to that of feeling, but thought does not create fresh material, it merely re-organizes the material of feeling,¹¹⁴ that is to say, thought makes use of the psychical images, the psychical ideas, the psychical content, or whatever it may please Bosanquet to call it, and organizes out of this matter an objective and systematic world, which is that he previously called the concrete universal. But just as every

¹¹¹ *Logic*, I, p. 31 Cf. *Essentials*, p. 78.

¹¹² *Logic*, I, p. 40

¹¹³ *Logic*, II, p. 295

¹¹⁴ *Op. cit.*, p. 299

logical idea has its source in a mental or psychical image, so has every mental state a content that has been or can be more or less significant, for no mental state is simply and solely a mental state. A psychical image without reference is pure immediacy, which is as impossible to conceive as that an objective apprehension is a pure reference without an element of immediacy — a point we have already emphasized sufficiently in another context. Bosanquet can now say that there is nothing which cannot be »a part of our psychical being a particular mental state or occurrence».¹¹⁸ that is, in short, everything can become psychical. Hence the dualism between psychical and objective reality is abolished and continuity between them proclaimed as the sole possible relation.¹¹⁹

But is not this psychologism? Bosanquet would have assuredly repudiated such an accusation. If he had stopped at immediacy as the only reality, it would have been more difficult for him to furnish an answer, but, as it is and as we have seen, he allows an objective, ideal, or symbolic reference to enter into the composition of every mental state. And as it is just this reference that reveals reality to us, this cannot be psychical. Even if it is true that logical ideas use psychical images, logic is nevertheless not based on psychology »in the sense of accepting mental facts and habits as the evidence for real laws; it might rather be described as exploring the psychological field in the search of the complete and continuous development in which the thinking function proper reveals its *nisus* and ideal — the spirit of truth».¹²⁰

Now we are also able to meet a couple of objections that Turner raised against Bosanquet in an article in »Mind»: »Dr Bosanquet's Theory of Mental States: Judgment and Reality». He premises that even if we apprehend reality through ideas, we must in some way or other be conscious of some elements

¹¹⁸ Op. cit., p. 297

¹¹⁹ Op. cit., p. 309; Meeting, p. 10

¹²⁰ Implication, p. 161.

of reality that are independent of any symbolism. The only escape from this for Bosanquet, it is claimed, would be if he were to consider reality as rational, intelligible, systematic, ideal (Turner presumably puts into these terms a formal meaning corresponding to, for instance, the formal character of mathematical propositions), but this is not the case.¹²¹ Turner accordingly brings his criticism to a point in two questions: »How do we know that this idea-content is significant at all?» and »How do we know what it signifies?»¹²² Bosanquet could answer the first question thus, that we have a significant idea as soon as we can make a content of thought part of a wider systematic nexus of ideas. The second question is self-contradictory. How do we know what it (the idea-content) signifies? We could not know, of course, if with Turner we were to accept a reality that is prior to all meaning, for the very knowing of this would impart meaning to reality, which would thereby acquire a significant idea-content. These two objections originate in Turner's disregard of the core of Bosanquet's conception of reality, viz. wholeness. The objective or symbolic reference consists in referring an idea to the whole in ranging a new element within this whole or re-organizing the old whole so that a new idea, a new element, extends it. For Bosanquet, it must be remembered, reality or the concrete universal is not something fixed and for all time given, but something dynamic with the capacity of becoming more and more complete and perfect. Thought displays self-maintenance, because the object, which operates in it, is persistent and consistent, and nourishes itself out of the psychical material, taking what agrees with its growth, and rejecting what it cannot assimilate.¹²³

We should however be doing Turner a great injustice if we denied his criticism all justification. What is hovering in

¹²¹ *Mind*, 1918, p. 307

¹²² *Op. cit.*, p. 314

¹²³ *Nature of Mind*, p. 63 (cit. abbrev.).

his mind, more especially in the case of his second comment, is the want of clearness that makes itself felt in Bosanquet's system when the external world is to be ranged within it. According to Bosanquet we have psychical images and an objective reference. But what becomes of Nature and matter? Turner is no doubt referring to the material outer world when he asks for that to which the objective reference is to be a reference, for no univocal answer to this has been given by Bosanquet. The question may of course also be regarded as insoluble, as it involves the problem of the relation between mind and matter. Credit is however due to Bosanquet for the effort he made in his attempt at solution to appeal to experience without flinching from existent concrete facts and without trying to solve the problem with the aid of some unknown factor. At the same time, however, his concrete material has proved to be too strong for him.

Bosanquet's conception emerges most distinctly no doubt in the aforementioned psychological works »The Distinction between Mind and its Objects» and his posthumous work »Three Chapters on the Nature of Mind». The continuous theme of both these writings is a criticism of the psychological views of certain philosophers, according to which experience can be divided into act, content, and object, which for Bosanquet are futile and meaningless abstractions. In the first-mentioned work he combats Alexander, in the second Brentano-Meinong. It was especially in the course of his controversy with the former that Bosanquet had an opportunity of maintaining his objective view. According to Bosanquet Alexander separates the mental act from objects, which are called physical even if they are universals. Moreover there is no difference from the point of view of reality between the primary and secondary qualities.¹²⁴ Bosanquet's criticism on the whole takes the following line: 1. It is improper to divide

¹²⁴ The Distinction between Mind and its Objects (quot. as Mind and its Objects), Manch., 1913, pp. 22 f.

experience by saying »on one side» and »on another side». Mind is not a thing, for its nature is »to include», and that of the objects »to be included». Mind is rather to be likened to a whole, a world. Objects must not be looked upon as fixed and delimited. I have not merely a single object, for one such is only fragmentary, and we cannot separate it from its surroundings without violating reality.¹²⁵ 2. A thing cannot be separated from its qualities, and these cannot be conceived as real independent of a mind. According to Bosanquet it is a merit in Alexander that he has not distinguished between primary and secondary qualities, but this important idea leads in a direction different from that taken by Alexander, i. e. not towards their independence but towards their dependence on mind. We can sum up Bosanquet's criticism of this in three points. a. »Blue, then . . . must have in it the life of mind. I do not call it 'mental', for I am not sure what that means. But I will call it logical». ¹²⁶ This last term must presumably denote the Whole. b. The universal must belong to mind. As we have previously stated, its character consists in the effort of a content to complete itself as a system. ¹²⁷ c. Alexander does not rank tertiary qualities (e g. the aesthetic) as real. But are they not »the most actual, most profoundly inherent, most objectively characteristic qualities of all»? ¹²⁸ 3. Only continuity between mind and its objects renders possible »a just estimate of reality-values». ¹²⁹

What deserves the greatest attention in this connexion is Bosanquet's view of qualities as logical. No other course was open to him if he wanted to remain true to his philosophical method, for this did not consist in finding the essence of things according to the old metaphysical schools. Bosanquet's

¹²⁵ Op. cit., pp. 26 ff

¹²⁶ Op. cit., p. 33

¹²⁷ Op. cit., p. 35

¹²⁸ Op. cit., p. 36. Cf. Letters, pp. 227 f

¹²⁹ Mind and its Objects, p. 37.

task was not to decide whether the world was to be interpreted materialistically or mentalistically, it was to give every element its right place in the system of reality. This could only be accomplished if the element had a logical character, that is, possessed logical stability. To create such unity demanded a positive, active thought that could mould its content into a self-existent world. It is for this reason he ascribes a higher degree of reality to tertiary qualities, for these possess above the others the capacity of forming an harmonious and self-sufficing unity, e.g. in a work of art.

If we do not lose sight of this point of view, it will be easier to understand two problems which depend on the relation between the content of consciousness and the object. One is the relation between an object in past time and a mental content, the other is the character of reality borne by a historical person as compared with an imagined person.

1. It has been thought that a separation of a content of consciousness from its corresponding external object is to be found particularly in an act of memory or in the apprehension of a historical occurrence. Have we not here an actual content of consciousness referred to an object that is of a different type of reality from the psychical content? The »image» in our mind of »Caesar crossed the Rubicon» and the actual historical occurrence are surely two separate things. Bosanquet does not, of course, regard it as inadmissible to distinguish between the content and the object, but this by no means prevents him from regarding it as a fallacy to »separate» content and object, and this whether the object belongs to the past, present, or future. All reality must, as we have seen Bosanquet maintain, be founded on sensuous experience. Whether an object belongs to the past or the present, has therefore no significance. In both cases all thought is directed to referring the objects to a real world, and if certain objects are defined as belonging to history, it depends on their place

in the totality of reality and not on anything else¹³⁰. A clear synopsis of Bosanquet's reasoning on this point is to be found in Mrs Crane Carroll's *Thoughts about absent objects*... are distinguished from the present objects but the whole complex holds together for the observer, and the distinction between presence and absence as well as that between inwardness and externality, legitimate as these distinctions are, can be made only inside the whole».¹³¹

2. The other case that is thought to contradict Bosanquet's view is the question of the type of reality possessed by a character in literary fiction. It has been claimed that here we have only a mental content: whereas the historical person also has an existence independent of us. Hamlet, for example, possesses reality only so long as someone is conscious of him, while Napoleon and his acts always possess the same reality. To such a view, however, Bosanquet is definitely antagonistic. According to him Hamlet is as real as Napoleon, nay perhaps more real. An author who desires to create a lasting work must base it on reality, depict persons — fictitious or not — who hold within them a world of thoughts and feelings, who afford expressions of the general character of reality more than historical persons have been able to do, or, as Professor Alexander says, the whole thing is put together, not out of actual experience, but on the lines followed by such objects when real for actual experience.¹³² It might also be said that the poet describes reality in his way, not by starting from a certain given point but from something universal that he endeavours to embody in the product of his imagination. The fact is that Bosanquet regards an isolated datum as not fully

¹³⁰ *Nature of Mind*, pp. 119, 128.

¹³¹ *Phil. Rev.*, 1921, p. 10 — Bradley takes the same position here when he allows degrees of rational system to determine if my world in the hypnotic state, in dreams, or in waking life is the real world. Should the two first-mentioned states give a more harmonious reality, there would be no reason to call the last-mentioned the most real (*Essays*, p. 465).

¹³² *Meeting*, p. 43.

real, as he also does an abstract universal, e.g. universal humanity, independent of its bearer. Hence Napoleon is only real in conjunction with all his acts and their effects, which latter have not yet ceased, and the universal humanity in Hamlet is only real in living people, there being more or less in each person. In this way Napoleon and Hamlet can possess the character of reality to an equal degree, provided they are not regarded as isolated but included in a nexus of reality. The objection might be raised against this view that an object can be apprehended more or less isolated from its surroundings. This is possible with Napoleon, but not with Hamlet, for a creation of the mind possesses only that reality which its creator has been able to make it reflect. Bosanquet would doubtless also be able to endorse this objection, provided its purpose was not to diminish the degree of reality vested in the creation of the imagination by regarding it as merely a content of our mind. For he does not entirely ignore differences between the two realities, but the »flesh-and-blood existence does not make the difference; it is one among other features and counts for something».¹³³

What has been adduced in our exposition thus far would most readily suggest that Bosanquet's philosophy is spiritualistic. But there are also quite opposite tendencies, which have induced McTaggart to say: »Almost every word that Dr Bosanquet has written about the relation of Mind and Matter ... might have been written by a complete Materialist».¹³⁴ This opinion is not based on Bosanquet's view that there is continuity between the psychical and the physical, for Bosanquet elsewhere affirms still more explicitly the independence of Nature. For instance, he claims that Nature is temporally prior to mind, a statement that cannot be explained away as an inadvertence. One finds it in almost all his works. In »Logic»: »a state of the globe prior to the existence of the

¹³³ Op. cit., p. 44.

¹³⁴ McTaggart in a review of the »Principle». Mind, 1912, p. 422

human race». ¹³⁵ In the »Principle»: »The conscious self is plainly the last word of an immense evolution» and »The world comes first». ¹³⁶ In the »Value»: »Souls are cast and moulded by the externality of nature». ¹³⁷ In the »Nature of Mind»: mind only comes »on the top of a vast evolution». ¹³⁸ These examples should suffice. But as Bosanquet at the same time states that Nature cannot be self-existent, ¹³⁹ and that there is not anything merely external, but the external must always exist through finite mind, ¹⁴⁰ is there not here a flagrant self-contradiction? If Nature is prior in time to mind, it must surely also be capable of »self-existence» independent of any mind. In a letter to Ward in 1906 he makes a concise statement of all the motives behind his thoughts in this question. He writes: »I believe in 'externality' ... Of course, ultimately, I do not think the external can be real *per se*. But I do not think it can be resolved into the psychical or inward, no, not in the Absolute, although the 'whole' will be of psychical nature, and nowhere *merely* external». ¹⁴¹ It will be noticed how difficult it nevertheless is for Bosanquet to avoid panpsychism. According to him the physical world can never »put off» its psychical character, the physical must at least be capable of becoming psychical at any moment. ¹⁴² He would here appear to be approximating to Bradley's conception of Nature, according to which Nature *qua* pre-organic is merely a scientific construction and of little value in the totality of reality. ¹⁴³ Stedman, who has vigorously assailed the self-contradiction in Bosanquet's view of Nature, claims that Bradley has here proceeded more

¹³⁵ Op. cit., II, p. 218

¹³⁶ Op. cit., pp. 157, 219

¹³⁷ Op. cit., p. 16

¹³⁸ Op. cit., p. 86

¹³⁹ Mind and its Objects, pp. 40, 44

¹⁴⁰ Letters, p. 107; Principle, p. 371

¹⁴¹ Letters, p. 107

¹⁴² Principle, p. 361 n

¹⁴³ Appearance, p. 244

consistently, for panpsychism is the only possible standpoint — even if absurd in itself — from the presupposition of idealism.¹⁴⁴ But the question is if Bosanquet is really obliged to re-adjust his basal philosophical assumptions when, as we have seen, he rejects panpsychism and ascribes to Nature a certain degree of self-existence. As known, one of his fundamental theses is the acceptance of reality as graduated. It is true that Nature or externality as such is abstract and fragmentary, but cannot it be ascribed a certain degree of reality independent of mind? It would then first become fully real by being included in a mind, for only in this way can it acquire unity and totality. To Bosanquet, it must be remembered, everything is real if only it is not taken for more than it is; consequently, according to his system, there is no self-contradiction in calling Nature real provided it is only accepted as a lower degree of reality, not as the whole.

Nor must it be forgotten that Bosanquet also definitely refuses to grant the psychical a self-existing character. It must obtain its determination and content from Nature and can only exist through Nature.¹⁴⁵ If at times he seems to lean markedly towards a psychical conception of Nature, this has its explanation in the fact that the mind is after all the top of natural evolution; it is Nature as it is when it is at its best. And as it belongs to Bosanquet's as also to Hegel's conception of evolution — in contrast to Darwin's — to seek to explain the lower by the higher, he readily gets a psychological view of reality. Moreover, as according to him only mind can give unity and definiteness to an object, and no »that« is possible without a »what«, the panpsychical standpoint becomes still more insistent. But in spite of this vacillation, which has its origin in his effort to bring all elements of experience into harmonious unity, the principle idea is clear: »Nature thus exists only through finite mind. But finite minds again exist only through nature«.

¹⁴⁴ Nature in the Philosophy of Bosanquet, Mind, 1934, p. 325.

¹⁴⁵ Principle, p. 371

»Externality can subsist only as subordinated to inwardness; but inwardness can subsist only in the conquest of externality.»¹⁴⁶ Hence in Bosanquet's system we have to do with neither materialism nor panpsychism, though with a form of monism. Bosanquet reached this by abandoning the customary view of an opposition between matter and mind. These two elements, he considers, continue into each other, and the unity in question here is reality as a logical system, as logical stability. Philosophy has solved *its* problem when it has assigned every element of experience its necessary place in this logical whole or — if we now use a term that we have hitherto avoided as much as possible — in the Absolute

The Absolute.

We can say that Bosanquet has arrived at his conception of the Absolute by two methods: the more logical and the more metaphysical. The former shows us only what course to take, but it never conducts us into the promised land; the latter enables us to experience the Absolute, though, on account of our finiteness, admittedly never fully and completely. The former method starts from the point that we extend our sphere of experience and make it more logical and harmonious by new sense-perceptions and new judgments — no antithesis exists according to Bosanquet between sensation and thought. As according to this standpoint it is the individual mind that itself works towards higher unity, it is difficult for Bosanquet to keep himself unaffected by solipsistic modes of thought, a fact that he himself admits. His standpoint here can be characterized by saying (1) that our judgment sustains the universe, and (2) that in judgment and inference we make or construct reality.¹⁴⁷ In the case of the other mode of study, the meta-

¹⁴⁶ Principle, pp. 371, 76. Cf. Meeting, pp. 2, 85; Mind and its Objects, pp. 42 f

¹⁴⁷ Logic, II, p. 314.

physical. this solipsism is completely overcome. Now the finite centres are merely organs of and formed by the whole. By these organs the whole or the universe manifests and sustains itself.¹⁴⁸

No great knowledge of Bosanquet's philosophy is necessary to realize that in the end it was impossible for Bosanquet to reconcile these two points of view, especially as they *per se* imply a germ of contradiction in his system. In his earlier works, of course, this contradiction was not so apparent. There, logic dominated, which he considered to be distinct from metaphysics¹⁴⁹. But in the second edition of »Logic« his attitude is somewhat different. Now it is only with hesitation that he agrees to a distinction between logic and metaphysics, and he considers them united through philosophy¹⁵⁰. Thus, his dualism was overcome in favour of metaphysics, since he very soon identified philosophy and metaphysics, indeed, in his metaphysical writings even logic is identified with metaphysics. This meant the overthrow of solipsism in his logic as well. An illuminating expression for this new synthesis is to be found in his utterance: »The world judges in me, though from my point of view«,¹⁵¹ a statement that certainly already had its analogue during Bosanquet's earlier period, though with greater emphasis on »*my world*«.¹⁵²

What perhaps shows up most clearly the difference between his earlier and later view, at the same time as it shows how difficult it was for Bosanquet to stop at his first standpoint, is the question whether the Absolute is knowable. Bosanquet's attitude in this was sceptical at first. According to him, the condition for the conception of the universe as a whole was

¹⁴⁸ Op. cit., II, p. 316

¹⁴⁹ Op. cit., II, p. 232

¹⁵⁰ Op. cit., II, p. 316

¹⁵¹ Life and Finite Individuality, Proc. of Arist. Soc., Suppl. Vol. I, 1917, p. 98.

¹⁵² Cf. Logic, I, p. 3

that this whole should embrace the totality of relations, but such totality was unattainable for our knowledge. We must remain within this totality with our questions and answers, we could not explain the whole itself.¹⁵¹ We could only know that there must be an absolute something, since our experience always pointed beyond itself, relativity demanded an absolute standard

In his Gifford Lectures he strikes a more optimistic note. The Absolute is not something unknown. We experience the Absolute better than anything else, and we all experience it more or less, for it is present in all our experience.¹⁵² This higher estimate of the potentiality of thought is associated with his new attitude towards the tasks of philosophy. As we have seen, philosophy should no longer restrict its field of activity to judgment and science, it should go further to morals, art, and religion. Here we have attained, to use Lodge's words, a deeper and more comprehensive insight, the philosophical vision of an ideally satisfactory knowledge.¹⁵³ The Absolute is nothing else but what we experience in these highest experiences of ours, i.e. when we are at our best.¹⁵⁴

For Bosanquet religion is the very highest form of experience. Here we experience the Absolute best. Religion can therefore be a basis for all the other forms of experience.¹⁵⁵

¹⁵¹ *Op. cit.*, I, p. 136, II, p. 237. — In an essay "Bosanquet on Mind and the Absolute", J. Watson contends that Bosanquet, like Bradley, takes up here too pessimistic an attitude. Bradley and Bosanquet continually insist that no judgment is absolutely true, but in so insisting they tacitly imply that the human intelligence is capable of discerning what is true relatively, and this seems to me to imply that they can define the Absolute and what can be defined can surely be known. (*Phil. Rev.*, 1925, p. 441)

¹⁵² *Principle*, p. 27

¹⁵³ Bosanquet and the Future of Logic, *Phil. Rev.*, 1923, p. 592

¹⁵⁴ *Principle*, p. 250

¹⁵⁵ Meeting, p. 200. Jfr V. Norström: Religious certainty is the core of scientific truth as well as the basis of its explanation. Tankehemjer, Sthlm, 1906, p. 635

Without this belief in the Absolute we should never strive to get out of the sphere of relativity, having then no experience of anything fixed and non-contradictory. Bosanquet therefore opposes those who believe they reach the Absolute solely by their own efforts, whether through science or morality. However much we may seek to overcome our finiteness and however well we may succeed in our self-transcendence, we can never by this means become free from our finitude. Contradictions will always persist. Religion alone releases us from this eternal striving: »the finite spirit recognises his unity with the divine goodness by faith». ¹⁵⁸ Here Bosanquet and Bradley have met on common ground.

Although Bosanquet by appealing to religious experience has thus provided us with an organ of knowledge for the apprehension of the Absolute, he has none the less made it more difficult to explain the relation between the Absolute and the finite. We do not find here that continuous transition from the finite to the infinite, or, more correctly, from the more contradictory to the less, from a narrower whole to a wider one, which we find in scientific knowledge and in moral conation. Here it was not necessary to assume any break between appearance and reality. The difference lay in the different degree of completeness and coherence. Appearance was reality, but contradictory, and reality was appearance, though less contradictory. ¹⁵⁹ But on the other hand, how is it possible to find a transition between the absolute world of belief and our contradictory life? If in the former case the difficulty consisted in explaining the Absolute fully and completely, it now consists in explaining the finite. No synthesis seems to be possible here. Nor does Bosanquet claim to establish one. His primary task has been to investigate

¹⁵⁸ *Life and Finite Individuality*, p. 187.

¹⁵⁹ Bosanquet, *Appearance and Reality, and the Solution of Problems*, *Phil. Rev.*, 1919, pp. 292 f.

our *experience* of the Absolute, not the Absolute as such¹⁶⁰ and least of all *why* there is this difference at all between the finite and infinite. The last question is in his view as meaningless as the question why the world is such as it is.¹⁶¹ Here, philosophy has only to accept it and to investigate our experience of it, and it then finds that all finitude points beyond itself to something absolute, which is not opposed to the finite but is revealed through it.

But Bosanquet can never leave a problem without following it to its extreme consequences, even though he must frankly acknowledge that the result attained rests on weak ground. Nor has he in this case been able to resist the temptation to give expression to his interpretation of the internal relation between the world of the finite individual and the Absolute, between microcosm and macrocosm. We must remember, however, that his task is not to give a clearly worked out theory but only to make clear by illustrations how he conceives this problem can be solved from his starting-points.

As a guide for his attempt at solution Bosanquet uses his conception of self-consciousness and self-transcendence. By self-consciousness Bosanquet does not mean a consciousness where subject and object coincide, but "the recognition in externality of a counterpart, whether discordant or harmonious, with its own principle".¹⁶² The object of our efforts is to make this self-consciousness a systematic whole, gradually to draw the non-self into the world of self and include the outward in the circulation of the total life.¹⁶³ We see such a process in natural science, where thought seeks to permeate Nature more and more with the laws that have their source in thought's own world. Whether after this one makes mind or Nature the primary, is of subordinate importance in this

¹⁶⁰ Crane Carroll, *Phil. Rev.*, 1921, p. 179.

¹⁶¹ *Principle*, p. 288.

¹⁶² *Op. cit.*, p. 221 n.

¹⁶³ *Op. cit.*, p. 77.

connexion, since for Bosanquet it means the same if one says that Nature is revealed in mind or that mind refinds itself in Nature.¹⁶⁴ If mind can thus already find itself in Nature, how much more possible is this in art, morals, and religion, which are direct creations of the human mind? Hence we see how consciousness strives to gather within it the whole surrounding world, how our self-consciousness becomes ever wider by its own self-transcendence. Bosanquet therefore compares our subjective selves to a rising tide, »which covers a wider area as it is deeper at the deepest point».¹⁶⁵ Hegel expresses this thought just as clearly when — as we have previously mentioned — he regards our self not as a substance but as a self-developing subject, or as a living organism whose life consists in consciousness of its own activity. Every mind therefore becomes a world in itself, a microcosm, in process of constant development. This microcosm or individuality becomes more real and true, the greater the number of experiences it covers and the more systematically it arranges its experience. And we could conceive that finally the microcosm will become one with the Absolute, with the macrocosm that is all-inclusive.

This line of reasoning, however, has not been fully successful in coping with the problem in question. It is intermingled with too much solipsism to be capable of giving a fully satisfactory explanation. It merely shows how the individual mind sustains its world, but it gives no guidance as to how the worlds of different individuals are related to one another within the Absolute. We shall therefore supplement our preceding exposition with other modes of thought and other starting-points in Bosanquet's philosophy.

¹⁶⁴ Op cit, pp 367 f. Cf. V. Norstrom »There are those who realize that what science brings out as the self-essence of things is merely — the scientist's own instruments of investigation, his own technique» (Tanke-linjer, p. 68). — Jeans would express it thus The universe is a system of mathematical laws conceived by God, »the great mathematician», whose thoughts we try to reconstruct

¹⁶⁵ Principle, p XXXVII.

In the foregoing section we saw that according to Bosanquet there is no empty self, or consciousness without a content. We have also seen that he does not accept any difference between this content and the objective world. Now if we at the same time have in mind what we just said about self-consciousness, viz. that it absorbs within it a part of the surrounding world, we can with these starting-points more readily understand Bosanquet's absolutism. The contents of different minds, or the objective world itself, can in this way constitute the unity of the plurality of individuals. Bosanquet therefore considers that he can speak of a lateral identity, and not merely of a linear one.¹⁶⁶ Two individuals with the same mental content, with the same experiences, etc., would then be identical — difference in space does not alter identity.¹⁶⁷ In our finite world things proceed thus, that one mind apprehends one part of experience, another mind some other part, and so forth, but these parts or aspects merge more or less into one another. At times a single individual can be capable of what would otherwise take twenty others to do. It is inability, not any mystic boundary, that according to Bosanquet maintains separation between individuals and between the latter and the Absolute.¹⁶⁸ A very illuminating example of this is the relationship between the poet and the persons created by him.¹⁶⁹ These persons think and feel with the poet's thoughts and feelings, which so to say have been distributed among the different minds of the different persons. Bring these together, and we get a view of totality that is just the poet's own mental content. We can also express it so that if the poet allowed each person to absorb an ever-increasing portion of the

¹⁶⁶ *Life and Finite Individuality*, p. 94.

¹⁶⁷ *Op. cit.*, pp. 991.

¹⁶⁸ *Value*, pp. 50 f.

¹⁶⁹ *Principle*, pp. 392 ff. Bosanquet takes Dante's *Divina Commedia* as an example. However, we cannot reproduce here the detailed application that Bosanquet makes with this illustration.

thoughts and feelings of the others, all the »persons» would finally become identical, i. e. they would merge into a single person, the poet himself. So it is also with us and the Absolute. I apprehend one part of reality, another apprehends some other part, though perhaps a portion of my reality, a third sees reality from a third point of view, and so on. No aspect, however, represents the whole of reality. But on account of the interaction between minds each of them with its content can form part of the great whole, of the macrocosm, of the Absolute. Concomitantly the imperfections attaching to each individual's aspect can disappear and the whole become perfect. Hence Bosanquet makes a synthesis of monism and pluralism. The Absolute is oneness in manyness. He therefore calls his metaphysical system »Multiplicism».¹⁷⁰ This implies the same as Leibniz's monadism, with the exception that according to Bosanquet the monads are not without windows.¹⁷¹ The theory does not least receive its application or — as properly — its confirmation, in Bosanquet's political philosophy, especially in the theory of the general will. We have here as Windelband so aptly describes, »ein einheitliches Gesamtleben, das in der kontinuierlichen Abstufung vermögen des Ineinandergreifens aller dieser Teilsysteme ein zusammenhöriges Ganzes ausmacht. Das ist die uns allen bekannten Einheit in der Mannigfaltigkeit, an der wir den Sinn der Monadologie fortwährend erleben»¹⁷²

This example also does justice to the concrete character of the Absolute. There has often been an inclination to deny this concreteness, it being considered that by its very notion the Absolute must always be something abstract, as it does not belong to our temporal reality. Similar criticism has also been directed against Bosanquet, not merely by his realistic adversaries but also by philosophers closely allied to him, e. g. the Italian Neo-Idealists and thinkers of the Bergsonian persuasion

¹⁷⁰ Principle, p. 373

¹⁷¹ Op. cit., p. 119.

¹⁷² Einleitung in die Philosophie, p. 92.

For instance, Cunningham in an essay on Bosanquet's teleology claims that if the Absolute is apprehended as 'a dead perfect calm of unruffled satisfaction and non-contradiction',¹⁷³ it threatens to become a pure abstraction. In support of his claim Cunningham refers to a similar criticism in Professor Albee's review of 'The Principle of Individuality and Value', where Albee points out that if, like Bosanquet, one makes the Absolute entirely independent of temporal development, one apprehends it purely abstractly however often one calls it concrete.¹⁷⁴ Here it should be pointed out, however, that Bosanquet has not deprived the Absolute of all dependence on time. Of the alternatives 'time in Absolute' and 'Absolute in time' he rejects only the latter one.¹⁷⁵ According to him there are differences in the Absolute, and time also enters as a constituent in this differentiated whole. In the Absolute no great difference can exist between time and any other quality. With almost as little reason as we can say that the Absolute has colour, can we say that the Absolute is in time.¹⁷⁶

Cunningham, however, rejects the alternatives mentioned above in favour of a third possibility: the Absolute *through* time.¹⁷⁷ The difference between this view and Bosanquet's need not however be so great as one would at first be inclined to think. Even though Bosanquet ranks time with ordinary qualities, he applies this view rather sparingly. The temporal notions 'progress' and 'process' play too large a part in his determination of the Absolute for any consistent application of the view in question to be possible. Bosanquet does not differ much here from Hegel who, as we have seen, did not regard the Absolute as merely the result of evolution: a whole can

¹⁷³ Bosanquet on Teleology as a Metaphysical Principle Phil. Rev., 1923, p. 622

¹⁷⁴ Op. cit., p. 622 n

¹⁷⁵ Science and Phil., p. 122 (Essay 'Time and the Absolute'). Also included in Proc. of Arist. Soc., 1896)

¹⁷⁶ Science and Phil., p. 122

¹⁷⁷ Cunningham, op. cit., p. 623

only become Absolute if it is taken together »mit seinem Werden». ¹⁷⁸ Hence the finite will be »aufgehoben» in the Absolute. Bosanquet expresses it thus, that the Absolute is »the finite at its best». It is more than the finite, »not in time nor in quantity, but in completeness, in *progress* along the path of continuity which is indicated by the nature of things». ¹⁷⁹ The Absolute is accordingly no empty and abstract conception but reality in the whole of its concrete development. And in a later essay Cunningham himself has done more justice to Bosanquet's Absolute: »He does not mean to hold that reality is such that it can be fully described in abstract generalities, or that it is sharply sundered from the flow of lowly human experience — his Absolute, whatever may be its defects, is certainly not some far-off existent or abstract archangel sitting in the blue». ¹⁸⁰

Even if Bosanquet has not fully succeeded in explaining what the Absolute is in its structure and how it is related to the finite world, he has nevertheless indicated by this notion a necessary condition for all knowledge. We shall therefore now sum up the most significant in this idea of the Absolute as it is represented in Bosanquet. — We cannot stop at epistemological relativism, for it involves a logical self-contradiction. It asserts that there is no absolute or unconditional truth, yet at the same time it claims that this assertion is unconditional. The proposition »There is no unconditional truth» affirms relativism by its immanent meaning, but the claim of validity for this proposition affirms absolutism. ¹⁸¹ But if we also make this sphere of validity relative, we land

¹⁷⁸ *Phänomenologie*, p. 5

¹⁷⁹ *Principle*, p. 255 (Italics here).

¹⁸⁰ Bosanquet on Philosophic Method, *Phil. Rev.*, 1926, p. 326 — Especially Marion Crane Carroll has emphasized that »the process of the self-transcendence» as »the very essence of the Absolute» is characteristic of Bosanquet's conception of the Absolute (*Dr Bosanquet's Doctrine of Freedom*, *Phil. Rev.*, 1916, p. 727).

¹⁸¹ Horváth, *Die Idee der Gerechtigkeit*, *Z. f. off. Recht*, VII, p. 508.

in pure scepticism, and there will remain no other ideal but Pyrrho's: to refrain from all judgments. But where is the Absolute in our knowledge that can save us from scepticism? Has there ever been a theory, a judgment, theoretical or practical, that could lay claim to absolute validity? Is our modern physical picture of the world more true than that of Democritus and Newton? Will not Einstein's picture of the universe one day also be obsolete, declared incorrect? But in spite of this relativity thought is driven onward to new theories, theories which thought will presently demolish again. It is this striving that makes science possible, the striving for wholeness, harmony, system, and finally for a totality that cannot be anything else but the Absolute. If this striving ceases, science also loses its power to develop. Not even natural science, which seeks to be purely mechanical, can avoid the teleological element inherent in the striving for wholeness. We must with Bosanquet assume a will in every thought, for abstract thought cannot be automatic¹⁸² Only volitional thought can be the true source of all spiritual activity. Such thoughts have been advanced by many scientists. Klempeter, e.g., says that *der Erkenntnisakt stellt sich als Zweck oder Willenshandlung dar*¹⁸³ And from natural-science starting-points the Munich physicist Hugo Dingler has elaborated a philosophical system that he calls *Dezernismus*,¹⁸⁴ according to which all the foundations of knowledge rest in the will. But we are no more entitled to lapse into a radical absolutism that severs all connexions between the infinite and the finite than we are to fall into a radical relativism. Instead, we must assume a difference of degree between the relative and the Absolute. We finite beings can only attain truth in a small degree, for we cannot attain

¹⁸² Cf. Norstrom, *Tankelvinger* p. 634

¹⁸³ Klempeter, *Die Erkenntnistheorie der Naturforschung der Gegenwart*, Lpz., 1905, p. 44. Quot. from Norstrom op. cit., p. 635

¹⁸⁴ *Der Zusammenbruch der Wissenschaft*, Munich, 1926, p. 72

complete truth. In this most idealists agree. But our knowledge is not relative to the extent that one truth is as good as the other. Truth and reality are graduated in the measure of their proximity to the Absolute. Seen from a higher standpoint the abandoned, lower standpoint is false, but seen from one still lower it is true. Respecting this Horváth says: »Als das Wesentliche ist festzuhalten, dass der *Gradunterschied* ... *absolut* und dabei doch dem relativen Sinngefuge durchaus *immanent* ist».¹⁸⁵ We cannot determine the Absolute more nearly. It rests primarily on a belief that the world can be arranged into a harmonious whole so that we can apprehend it by our mental activity. Usually this belief is not consciously experienced by the investigator, but it lies behind his scientific effort to reach a non-contradictory whole. This belief is often considered to be related to religious feeling. Therefore practically all idealistic philosophy has made religion the highest form of experience and a basis for the other forms. Plato, Hegel, Green, Bradley, Bosanquet, and the Swedish philosophy of personality have here met on common ground in spite of many disagreements in their systems in other respects.

As a frame for our interpretation as well as an epitome of Bosanquet's relative-absolute view we may quote Bosanquet's words: »all essence is relative, but relativity does not exclude absoluteness».¹⁸⁶

f. The Philosophy of Value.

This endeavour to determine reality from a supreme unity, from the Absolute, has cleared the way for an ethical view

¹⁸⁵ Horváth, op cit., p 536.

¹⁸⁶ Logic, I, p. 62. Cf. Boodin. »In the flux of process ... all alike relative. What remains is only the direction. This must be absolute, else there is no meaning.» (The Ought and Reality, Int. Journ. of Ethics, XVII, p. 461) H. Larsson »The Absolute must *be thought* — further I for my part cannot get. It is, as we see, Kant's standpoint God is a necessary idea. A necessary fiction, fictionalism would say; a (theoretical) postulate, I prefer to say» (Spinoza, p. 300).

of reality.¹⁸⁷ The whole is not merely the notion of absolute reality but is just as much the supreme value, and throughout the preceding exposition we have been able to discern how intimately the philosophy of value and »theoretical« philosophy are interwoven in Bosanquet. We must not lose sight of this when we come to his political philosophy, where the relation between the value and the reality of the State is the main issue. And we have also seen in our historical excursus that the subject-matter of political philosophy in general has been the question of the value and justification of the State. The battle has surged high when the issue has been what ends and what values the State is to guard, what relation exists between these values and reality, and whether it is possible to apply a teleological or axiological view to the State. The philosophical problem of the State can therefore be satisfactorily dealt with only against the background of the problems of value and reality in general. This has not always been sufficiently recognized in the criticism of Bosanquet's view of the State, a fact that has led to many misinterpretations of his conception.

Since political philosophy has principally interested itself in value as an end, we must not neglect Bosanquet's teleological conception. — The difficulty associated with this is that the actual term »teleology« is not univocally determined. At times it denotes value in general, at times it has its special signification. The chief point at issue is whether the common-sense acceptance or the metaphysical conception should have the last word. In »Logic« the former point of view dominates. There Bosanquet distinguishes true or real teleology from what he calls quasi-teleology or *de facto* teleology.¹⁸⁸ The former sense is the one in current linguistic usage. It denotes the end or aim pursued by human beings, whether it is a question

¹⁸⁷ Logic, II, p. 222 Cf. Horváth, op. cit., p. 519. The striving for unity in chaos is »ein typisch und charakteristisch ethisches Verhalten«.

¹⁸⁸ Logic, II, p. 95, 201, 223.

of the aims of particular persons or the ends of laws and institutions. It is to this common-sense teleology he is referring when in the »Principle» he frames his definition. »The idea called 'Teleology' is that you find something valuable when you find what has been the purpose or intention of some mind». ¹⁸⁹

The other meaning, *de facto* teleology, is not teleology in the ordinary sense; it is even according to Bosanquet a contradiction in terms. Here we have no prescient mind working for certain ends. Instead, teleology denotes identity in difference, the whole of parts as, e. g., in organisms. He therefore also calls it »Morphology». The reason Bosanquet nevertheless retains the same term is that in his opinion a synthesis of differences, a whole of harmoniously arranged parts, can be regarded »as a concentration of means in a distinguishable result». ¹⁹⁰

This teleology becomes in the »Principle» the real or true teleology, while the former, viz. the common-sense teleology, can no longer be looked upon as the real in the strict sense, as it is only concerned with *de facto* purposes. Thus we see a complete reversal of the terminology. This inversion of the terms is an interesting expression of the transition Bosanquet's philosophy underwent towards the metaphysical. In the second edition of »Logic» organic or morphological unity was replaced by the notion »Individuality», and since, as we have seen, this concept expressed true reality, it was a fully consistent step in the subsequent works to denote the former *de facto* teleology as the true and real. »In working with it (Individuality), we substitute the idea of perfection or the whole — a logical or metaphysical, non-temporal, and religious idea — for that of *de facto* purpose — a psychological, temporal, and ethical idea.» ¹⁹¹ Our desires and purposes, which

¹⁸⁹ Principle, p. XXIII.

¹⁹⁰ Logic, II, p. 94.

¹⁹¹ Principle, p. 127.

change from day to day, belong to the last-named category. We cannot build up any unity or whole with them. They are more or less false and self-contradictory, and therefore they are merely subjective values. There are also purposes that serve as means to other purposes. When these are attained the means can be discarded. But the »ultimate» purposes too — if one can speak of such at all, seeing that they in their turn are means to others — cease to be purposes when they have been achieved. Hence we get an infinite series of Oughts and Wills, but not a totality, not a positive whole.¹⁹² This whole, however, is characteristic of logical or metaphysical teleology. Here we have not a transitory serial means-end relation, but the parts are harmoniously co-ordinated. We have only to think of such a teleological whole as a work of art in which one »element» is as necessary as the others and as necessary as the whole. Here we experience the satisfaction that can only have its source in true reality, and that is distinct from the satisfy we feel on achieving a particular purpose.¹⁹³

We must not forget that this metaphysical teleology, which is called real teleology by Bosanquet, is not teleology according to customary linguistic usage. Of this Bosanquet is also fully aware. »Thus the 'end' no longer appears as a terminus *ad quem*».¹⁹⁴ But then he ought also to have submitted to the consequence and adopted another mode of expression. He himself once suggested replacing teleological whole by »Individuality», but he seldom put the suggestion into effect. Had he done so, many misinterpretations of his system could have been avoided, especially in respect of his »teleological view of Nature.

If one defines teleology in the way Bosanquet does in his metaphysical theory, there will be no contradiction involved in also regarding Nature, and *even* a mechanical system, from

¹⁹² Op. cit., p. 124.

¹⁹³ Op. cit., p. 131.

¹⁹⁴ Op. cit., p. 129, cf. p. 156 n.

a teleological point of view. If, on the other hand, by a teleological view of Nature one means that certain purposes analogous to ours are to be found in Nature, such an assumption would according to Bosanquet be altogether meaningless. What we can discover in Nature is not conscious purposes, but unity, identity in difference. A flower, e.g., has no conscious end, but it is nevertheless a thing »decisively partaking of individuality, definitely and plainly constituted by arrangements of material substances and their reactions according to law». ¹⁹⁵ A teleological category of this kind also admits of the inclusion of inorganic nature. Even if this as a whole is impossible for us to explain, there are none the less inorganic wholes within Nature, e.g. the solar system. ¹⁹⁶ And the mechanistic method aims just at getting coherence and unity in the various phenomena of Nature

But will there not then be here a »psychological» teleology, which we have previously seen Bosanquet vigorously reject? Has not the unity that the mechanical system constitutes been consciously constructed, and is it not an expression of human activity and its ends? This is brought out clearly in »Logic»: »Reality as a mechanical system is further adapted to, or includes as elements within its unity, the substantive purposes of human intelligence, i. e. is really teleological». ¹⁹⁷ (As the quotation is from »Logic», real teleology here means the same as »psychological teleology», thus not real teleology in the sense used in the »Principle».) Is there then not a contradiction between »Logic» and his essay »The Meaning of Teleology»? One cannot free Bosanquet from the contradiction by asserting that only the mechanistic system has a *de facto* purpose, and not Nature. Such an assertion would be at variance with his identification of thought and reality, which

¹⁹⁵ The Meaning of Teleology. Proc. of British Academy, II, 1905—1906, p. 242.

¹⁹⁶ Op cit, p. 241

¹⁹⁷ Logic, II, p. 223.

is plainly to be seen from our quotation. However, he gets a true teleological unity in inorganic nature in another way. He assumes a divine plan of the world, which is best evidenced in Nature by natural evolution from the inorganic through the organic up to the human mind¹⁹⁵ By getting in this way a unity independent of humanly conscious purposes Bosanquet has certainly rescued metaphysical teleology, but in doing so he has landed in those difficulties which were found in an earlier section to attach to his theory of the relation between mind and Nature. If mind is posterior to Nature but the latter gets its spiritual significance through mind, the question is to what extent teleological unity in Nature springs from the human mind. Just as we there got no fully satisfactory answer, so do we get none in his teleology. Here, too, he rests content with saying that the two points of view presuppose each other. Nature as a whole can be regarded both as an individual and as constituted of interreacting members. Neither aspect can be dispensed with, for a total failure of mechanical intelligibility would reduce the spiritual to the miraculous, and destroy teleology, as a total failure of teleological intelligibility would reduce individuality to incoherence, and annihilate mechanism.¹⁹⁶ And in another essay 'Purpose and Mechanism' he even goes so far as to affirm that teleology and mechanism exhibit affinity for each other, both having the character of a timeless unity.¹⁹⁷

It is easier for Bosanquet to apply the metaphysical teleological conception to history and to social formations, which in their development do not merely depend on a particular person. According to him we have here a teleology 'above consciousness', while in Nature we have a teleology 'below consciousness'. Just as each coral-insect contributes with its work to forming a coral-reef, i. e. a teleological creation, so does

¹⁹⁵ *The Meaning of Teleology*, p. 246

¹⁹⁶ *Op cit.*, p. 244.

¹⁹⁷ *Proc. of Arist. Society*, XII, 1911—12, p. 251

each man unconsciously contribute to forming laws, institutions, and historical structures, and, without his being aware of it, he frequently paves the way for new ideas and currents of thought.²⁰¹ Nor have we here a conscious plan in the ordinary sense, a *de facto* purpose or an end *ad quem*. Teleology means here logical whole, or individuality. And just as the scientist strives to get Nature into a single systematic whole, so does the historian try to work his way to a systematic totality of historical phenomena.

These totalities lead us to another aspect of the problem. In extending the idea of teleology to the universe as a whole we are turning from the question whether this fact or that has the appearance of being contrived for a purpose, to the question whether the totality . . . can be apprehended or conceived as satisfactory, *i. e.* as a supreme value.²⁰² This brings us to the heart of Bosanquet's philosophy of value, *viz.* the question of supreme value and the relation between this and subjective values.

Values are sometimes classified as subjective, objective, and absolute. Now which of these categories does Bosanquet accept? He is a value subjectivist to the extent that he considers value always to be value related to a feeling. He is a value objectivist in as far as from an ontological point of view he does not distinguish tertiary qualities, *i. e.* values, from primary and secondary, just as he does not regard our values as simply and solely irrational qualities, but as logically harmonious. Lastly, he is a value absolutist in that he assumes a supreme, absolute value.

How is it possible to unite these apparently incompatible points of view into a coherent theory of value?

1. For Bosanquet value implies relation to a feeling mind. It must be value »for, of, or in a person».²⁰³ This reasoning

²⁰¹ The Meaning of Teleology, p. 244, Principle, p. 155

²⁰² Principle, p. 127.

²⁰³ Principle, p. 302, Cf. p. 294, Logic, II, p. 199 n.

is carried to its extreme conclusion in one of the essays in *Some Suggestions in Ethics*, the one entitled *Goodness and Value*. To the question: Where do we find value? he answers: »What is good or has value is naturally observed as possessing the general character of what a human being wants .²⁰⁴

2. But if for Bosanquet every value is a want or desire, every want is not a value. By this he saves himself from radical subjectivism. In the *Principle* he falls at times into the opposite extreme. He says, e. g.: »But to be desired by a human mind is almost no proof of value, for their desires are constantly wrong.²⁰⁵ Perhaps here Bosanquet goes a little further than his fundamental philosophical conception permits, for every value, as we shall presently see, can be ranged within a whole, and human desires are rarely fortuitous, being more or less dependent upon the nature of the individual. But our quotation is a typical expression of his struggle for an objective theory of value. Such a theory is a necessary consequence of his notion of feeling. We have seen that he definitively rejects a pure feeling and a pure immediacy without any logical elements. According to him a feeling can be both tested and modified by critical reasoning. An idea that can interest or satisfy us is not merely a brute fact, but a matter for logical estimation.²⁰⁶ With this he has also repudiated the theory that postulates value as something indefinable. Doubtless it is primarily Moore to whom he is referring when in the above-mentioned essay he criticizes the idea that value is indefinable and to be ranked with secondary qualities. Although Bosanquet ontologically puts secondary and tertiary qualities on an equal footing, he does not mean by this that there is no distinction between them. A sensation can thus according to him be indicated, since being merely a quality it is indefinable, but

²⁰⁴ *Some Suggestions in Ethics* (quoted as *Suggestions*), Lond., 1918, pp. 52 f.

²⁰⁵ *Principle*, p. XXIII.

²⁰⁶ *Op. cit.*, p. 296.

value is not a sensation or datum for sense-perception; it is most readily to be regarded as a category, »being a feature of structure and function characterising experiences which have other features besides it». ²⁰⁷ It is chiefly the expression »structure» that is of importance here. This term also implies logical determination, i. e. that value stands in a certain logical functional connexion with other experience. In full agreement with his view that the task of philosophy is to bring all elements of experience into a larger nexus of reality he considers that the philosophy of value has to give value its place in reality. This can only be done if value can be shown to possess the same logical stability as reality. If this cannot be demonstrated, then value ceases to be an object-matter of philosophy.

We now understand why Bosanquet could not accept all human desires as values: they do not contain any very high degree of logical stability or individuality. And we also understand why he could call them wrong. The standard of value applied by him is logical stability. Hence we find the same criterion for valuation or judgment of value — no difference seems to prevail between these terms — as for theoretical judgment. We saw that when the whole is the criterion, the truth of a judgment was subject to a subsequent judgment. It is the same with valuation: whether a valuation is right or wrong is determined by a subsequent valuation. ²⁰⁸ If, for instance, a child values unconstrained freedom higher than school lessons, this valuation of the child's would be regarded from Bosanquet's starting-point as wrong, as it could be assumed that after some years the child would revise its valuation. This last-mentioned valuation would be truer,

²⁰⁷ Suggestion, pp. 49 f

²⁰⁸ Principle, pp. 292 f. Cf. Hagerstrom, Kritiska punkter i värdepyskologien. Festskrift tillagnad E. O. Burman, Ups 1910, p. 49. . . that valuation which is made on the basis of subsequent insight raises the claim to being the only correct one as against previously made valuations.

resting as it would on a wider view of totality. It can also be said that the child's parents would have a correcter conception of the value of school education, since they can refer this value to a more extensive whole than the child can. For Bosanquet, therefore, the question whether it is the subject of value or the valuing subject that makes the judgment of value has no significance. The truth of value is not more than the theoretical truth dependent on the actual psychological situation; the good cannot be determined »by the total actual want», nor beauty »by the total actual feeling», it being the systematic whole that is determinant.²⁰⁹ Once again we encounter the distinction we have seen Bosanquet make between logic and psychology.

But does not this imply that the subjective ingredient is entirely sifted out of the theory of value, so that the logical element not merely becomes dominant but even absolute? This is not the case. Bosanquet has not eliminated feeling altogether. He has only claimed that we must not make our particular desires and wants the basis of value. To emphasize this he makes his definition of value clearer in »Suggestions» by pointing out that value *qua* what »a human being wants should strictly speaking be replaced here by value is what »I approve» or »in which I find myself affirmed».²¹⁰ The feeling that then comes into question is not satiety but satisfaction, and value has »the property of satisfactoriness», »that is, the character which *logically* and in every form of experience gives necessary satisfaction».²¹¹ Satiety signifies merely a satisfied casual desire, while satisfaction is the feeling of harmony and wholeness, which includes within it logical stability. It is this feeling of wholeness and satisfaction we appeal to when we are trying to induce a person to test his

²⁰⁹ Can Logic abstract from the Psychological Condition of Thinking? Proc. of Arist. Soc., VI, 1906, p. 241

²¹⁰ Suggestions, p. 54.

²¹¹ Op. cit., p. 56, Implication, p. 96

valuations. We ask him: Can this really satisfy you? Is it not merely a momentary desire that will only be followed by a feeling of dissatisfaction? Is it this you really want at the bottom of your heart? Such testing can only be performed on the basis of a whole in which the values can be logically co-ordinated. For Bosanquet it is therefore a subordinate question whether value belongs to feeling or to the logical, seeing that it must belong to both, as neither can stand alone, even if now one, now the other, may be predominant.²¹² No difference in kind can accordingly be found between the value of truth and ethical, aesthetical and religious values. What is characteristic of all of them, and what makes them values, is — to give by a quotation an expressive statement of Bosanquet's objective view of value: »the character of logical stability of the whole inherent in the objects of desire, and that what in this sense is more real, that is, more at one with itself and the whole (*e. g.* free from contradiction) is also the experience in which the mind obtains the more durable and coherent satisfaction . . . This consideration prescribes the nature of the ultimate good or end, which is the supreme standard of value, and cannot itself be measured by anything else.»²¹³

3. This means that he has passed over from the objective theory of value to an absolute theory. The Absolute forms the condition of the objective valuation, giving it a standard of value and a direction. When discussing theoretical judgments we remarked that they always pointed beyond themselves to something absolute that gave a tenable criterion of truth. The same is applicable to valuation. We have already shown how we test our values by connecting them into a larger totality. And if we push this line of thought still further we shall find that this whole grows wider and completer until finally it gives us an indication of the Absolute, the ultimate condition, and hence itself unconditioned. Even if we try to escape this

²¹² Suggestions, p. 57.

²¹³ Principle, p. 298 f.

Absolute, it sooner or later asserts itself. A relative view of value followed to its extreme consequences would soon disclose its own untenability. Horváth, whose relativistic-absolutistic theory of value comes very close to Bosanquet's, though worked out in a more pregnant form than the latter's, claims that it is logically impossible to maintain a relativity without stating by what values are determined. One then comes »zu einer Bedingtheit mit fehlender Bedingung. Das ist aber nichts anderes als Unbedingtheit oder Selbstbedingtheit.»²¹⁴ According to him these consequences can be avoided by reducing the notion of value to the notion of order and thereby making order the sole absolute standard of value. This order is Identität, Widerspruchslosigkeit, Einheit, System, Gesetzmässigkeit»,²¹⁵ the same characteristics as mark Bosanquet's standard of value.

But is not this whole of too formal a character, to be successfully used? Cannot evil also form a system? A member of a band of gangsters can be acting quite consistently when he commits what from the viewpoint of the community is a vicious crime, whereas he would be acting dead against his code if he were to commit the socially beneficial act of betraying one of his fellows. Here, the above-mentioned criterion of value would thus lead in the opposite direction to that intended. Bosanquet does not deny this difficulty. Evil according to him »is made of the same stuff as good», and what makes evil something evil is merely its opposition to good; it directs our will from good²¹⁶. Hence here one whole is opposed to another whole in the same way as one scientific system may often be opposed to another. In the last-mentioned case it is only the ability to construct a wider system, i. e. the ability to assign new facts a place in the system, that can gradually give a verdict in favour of one of the systems. Now

²¹⁴ Zeitschr. f. off. Recht, VII, p. 540

²¹⁵ Op. cit., p. 528.

²¹⁶ Suggestions, p. 113.

it ought to be possible according to Bosanquet to apply the same criterion to our system of values. But do not the actual starting-points play a greater part here than in theoretical judgments? Is it not an almost universally recognized thesis that ultimate values do not admit of discussion? Here feeling is of greater consequence than in the former case. It is self-evident that if a starting-point has once been selected, an appeal to the feeling of unity is not only possible but also necessary to prevent complete chaos, although the actual starting-point need not be determined. And Bosanquet himself also seems, where value is concerned, to take up a rather reserved attitude towards the application of the totality-criterion. Certainly he points out, as we have seen, that a value never comes to us as a »brute fact» and that the phrase »de gustibus non disputandum is a half-truth».²¹⁷ On the other hand, he is not blind to the fact that finite consciousnesses of value are »contingent in their degree and direction of development».²¹⁸ And at times he goes so far as to state that there is no other safe moral judgment »except our own on ourselves, and not really that»²¹⁹

But Bosanquet saves himself from scepticism in respect of the value theory by reference to values that are not subject to this law of futility. Individuals are formed by the community, by communion with their fellows. This communion is therefore a whole, of which the individual is merely a part. In the community with its juridical and ethical system the individual can find a touchstone for his ethical ideas. Bosanquet recognizes, however, that this system likewise is insufficient, even if »the social ethical observance» can be called »half a religion».²²⁰ The community gives merely a relative whole and not the Absolute. We are not however excluded from this: we experi-

²¹⁷ Principle, p. 293

²¹⁸ Op. cit., p. 300.

²¹⁹ Ideals, p. 201; cf. p. 286.

²²⁰ What Religion is, Lond., 1920, p. 49

ence it in art and pre-eminently in religion.²²¹ Through religion we overcome all finitude, for here not only are we accorded communion with others, as in the community, but here we become one with the Absolute.

Religious value and in a certain sense also aesthetic value become for Bosanquet absolute or impersonal values. But we must not believe that they are absolute in the sense that they, so to speak, float over our heads and are without contact with the finite world. Absolute or impersonal values are also values »in, for, or of persons»; they are »embodied in persons» and are the best for the world.²²² Just as Bosanquet in his theory of knowledge endeavoured to establish a synthesis of the solipsistic element and the Absolute and say »reality thinks in me», so does he in his theory of value unite the purely subjective element and the purely absolute to »the Absolute values itself through me». Religious and aesthetic values are therefore absolute: not because they are independent of feeling beings, but because on attaining these values man does not seek to ascend higher. Here he experiences true, real, and never ceasing satisfaction.

Bosanquet can accordingly parry the thrust that his notion of the Absolute is formal and useless as a standard of value. But the objection can come back in another form. Can an absolute value, even if it is concrete, afford us guidance to our finite values? Or, to set the problem more in accord with our purposes. How can the religious value determine the others? And how, with a concrete value as standard, can we value one object more than another within one and the same sphere of values, e.g. the aesthetic. We will take the second question first, since we have already established contact with it.

Salomaa wonders how it is possible for us to estimate the aesthetic value of the American business palace less than, e.g. Cologne Cathedral, if it is the organic or logical relation that

²²¹ *Life and Phil.*, p. 58

²²² *Suggestions*, p. 158.

is our criterion.²²³ We find the same criticism advanced by McTaggart. He drastically supposes a gasometer to be substituted for the tower of Salisbury Cathedral. The new structure, he says, would form another unity than the old but a less beautiful one. »But I cannot see» he concludes, »that the new building would be less of a unity, more self-contradictory, or less real». ²²⁴ The objection would be justified if Bosanquet had only formal-logical criteria in view. But the most perfect unity, the highest reality, is characterized by logical stability only from a concrete point of view. Perhaps we could best illustrate Bosanquet's meaning by substituting harmony for logical stability, at the same time remembering that according to Bosanquet harmony is also dependent upon richness and variety of ideas, i. e. upon comprehensiveness. It is evident that in the customary sense of the term there is not more logical contradiction between the broken stones in a roadside heap than between the parts of a pyramid. But it may be said that the parts of the latter co-operate more harmoniously or, let us say, more organically than the parts in the former.²²⁵ The roadside heap, however, would acquire an aesthetic value if it were organized into a whole, e. g. a landscape.

But harmony in general cannot of course have any meaning independent of feeling. It is feeling that by its measure of satisfaction determines the degree of harmony and hence also of value. When Bosanquet speaks of unity, non-contradictoriness, etc., he is emphasizing that these are only possible seen from the human mind,²²⁶ whose striving for unity is realized in the highest forms of our spiritual activity, in art,

²²³ Salomaa, op cit, p 112.

²²⁴ *Mind*, 1912, p 319.

²²⁵ Cf. Larsson, *Poesiens logik*, 2 ed, Lund, 1908. »But the logic of poetry lies not on the surface but in the depths. It is ... organic» (p. 113). So the moral life aims beyond enjoyment and strives for objective, logical relations. And so, I may say, does the aesthetic life too (p 148).

²²⁶ Principle p. 316

in philosophy, in religion. And if we view the notion of unity in this way, Salomaa's and MacTaggart's objections to Bosanquet's criterion of value are unfounded: a church, e. g. Cologne Cathedral, affords more aesthetic satisfaction than a business palace, for it exhibits more harmonious comprehensiveness, if we may so express ourselves, and through this we gain contact with a higher reality, with the Absolute.

This also gives an indication of the direction in which the answer to our second question is to be sought. From such a point of view could we not quite consistently say with Bosanquet that »objects of our likings possess as much of satisfactoriness — which we identify with value — as they possess of reality and trueness»,²²⁷ i. e. of the Absolute or of religious experience? It is thus the degree of satisfaction in us that decides how near a value comes to the absolute value. And there is no one entirely without this standard. Otherwise it would be but natural to ask: If religion were a necessary basis for all valuation, by what standard would, for instance, the irreligious make their valuations. But according to Bosanquet every value is more or less inherent in everyone.²²⁸ This applies not least of all to religious value. He can so much the more easily make this assumption as he gives religion a very wide meaning. »Wherever a man is so carried beyond himself whether for any other being, or for a cause or for a nation . . . there you have the universal basis and structure of religion.»²²⁹ Broadly speaking, this amounts to saying that the criterion of value consists in the degree of man's self-transcendence of self-

²²⁷ Op. cit., p. 317

²²⁸ Suggestions, p. 131

²²⁹ What Religion is, pp. 5 f. At times, however, Bosanquet conceives religion in a narrower sense, distinguishing between the God of religious experience and the Absolute. God is the opposite of evil, whereas the Absolute is the reconciliation of good and evil (Value, pp. 250—255.) However, the distinction is very seldom maintained, and therefore we may leave it out of consideration (Cf. Schaub, Bosanquet's Interpretation of Religious Experience, Phil. Rev., 1923, p. 665)

realization or in the whole that runs through all our valuations and judgments.

We must not lose sight of this determination of religion. Only by realizing that religious experience coincides with the feeling of the whole can we understand how religious value can be the basis for our valuations and a unity of our values. A common criterion of value necessarily presupposes that the different values (e. g. truth, love, beauty) can be co-ordinated and can co-operate. This assumption is also in full accord with the fundamental view of Bosanquet's philosophy, viz. that everything can be included in one harmonious whole. The same must obviously apply to values. Here the double aspect of the whole also becomes apparent. Either this totality is determined only from a religious point of view. Now if we go into ourselves, and keep fast hold of religion, we shall surely feel that all these things (truth, love, beauty) are just sides, aspects, consequences of it, ways in which the revelation of supreme will and goodness comes in our mind and hearts». ²³⁰ Or else, he states that all the goods or values sustain one another and are instruments for one another. In his opinion it is wrong to give any value precedence, for »all are cognate expressions of the same category». ²³¹

If this category is identical with religious value, or if the latter is merely one among all the other values, is not clearly indicated here. The former alternative is however the only possible one, as otherwise we get a contradiction between the statements quoted.

It is the easier to make this assumption because according to Bosanquet religious value, the Absolute, is not one value among all others, but is unity. »It is . . . not strictly good — certainly not morally good in the ordinary sense — yet perfection and the standard of all goodness and value. Strictly, you do not value it; you value all else by it. Its value is the unit,

²³⁰ Op cit., p 31.

²³¹ Suggestions, p 65.

and all other values must be adjusted so as to amount to it.»²³² McTaggart remarks against this that it is impossible to accept a standard of value that is not a value itself²³³ But we are surely not to interpret Bosanquet as meaning that the Absolute is neutral from the point of view of value, on the contrary, it is more than value, in the same way as we saw that the teleological whole was more than a *de facto* purpose, not being teleological in the customary sense. Hence the supreme value is not an ethical value, as it is not something that ought to be, but is already, and can never be reached through our own efforts, but comes to us through religion. It is perfect, and therefore it cannot be good in the ordinary sense, for good is the opposite of evil, and the perfect must combine within it both good and evil. It is unity and wholeness, in which all values must be included, and therefore it must be more than value.

There remains, however, an unclear point. When Bosanquet says of the supreme value: 'you do not value it; you value all else by it', the conclusion might easily be drawn that religious value is not self-existent, but only subsists through other values. And no doubt he cannot be entirely acquitted of a self-contradiction here, which owes its origin to the two different methods by which he arrives at his notion of the Absolute. In our exposition of this notion we pointed out that he has not always had the difference between these methods sharply in mind. The same now applies to his philosophy of value. *At one turn* he concentrates on the striving of finite mind to pass from value to value, to abandon a once taken position because a fresh insight, a new experience, makes it insufficient, fragmentary, contradictory and presses forward a new position. The standard of value is here unity or coherence. But we are usually unconscious of this unity, we do not always value it direct. This valuation, to apply Hegel's

²³² Principle, pp. 310 f.

²³³ Mind, 1912, p. 426

phrasology, is something that proceeds as it were behind the mind's back. We do not know of this unity being a value, but all the same we have it present in all our valuations as a necessary basis, as the logical stability without which all our valuations would be merely isolated impulses.

At the other turn the Absolute is the focal point. Now Bosanquet refers all our values to the supreme value, which we experience in all its concrete reality in religion. Here the Absolute becomes not merely the standard of value, but also a value that we consciously value; it becomes even the sole value, of which the other values are merely aspects. This mode of thought is predominant in his second series of Gifford Lectures and in »What Religion is«, while the former mode comes best into its own in the »Principle«, where the Absolute is not regarded from a merely religious viewpoint. It can therefore be said that the second series of the Gifford Lectures supplements and draws out the necessary consequences of his first exposition. No contradiction prevails between the less complete system and the more developed, unless Bosanquet considers his first standpoint as final, which he seems to have done in the question under consideration.

»The world of reality is the world of values.«²³⁴ We can use this utterance to sum up the whole of Bosanquet's philosophy of value. In his chief axiological work, »The Principle of Individuality and Value«, he sets out with the assumption that »the things which are most important in man's experience are also the things which are most certain to his thought... because importance and reality are sides of the same characteristic«.²³⁵ How this connexion is to be more closely conceived, he does not go into, but regards it as a postulate satisfactorily established by earlier philosophical thought. As he here uses the term »importance« instead of »value«, it is easier to under-

²³⁴ Suggestions, p. 65.

²³⁵ Op. cit., p. V.

stand his view. the fortuitous and transient cannot possess the same importance as the fixed, constant, durable, which can be referred to a whole and hence brought into connexion with all other experiences of value. If one further assumes a graduated scale of value and reality, and regards as real only that which can find a place in a whole of thought, identity of value and reality follows as a necessary consequence. An existence entirely without importance or value would, according to Bosanquet, »in principle be one which *could* earn no recognition and claim no attention. Whatever fills a place and occupies thought and feeling must *ipso facto*, however slightly, present a value.» That at times we do not notice this value, is due to »the narrowness of the particular finite mind».²³⁶

It is perhaps now possible to say how this connexion — »intrinsic connection» or »coincidence», as he also calls it — of value and reality is constituted. In another context we have shown that appearance is not opposed to reality, but is only a lower degree of reality, having a lower degree of system and constancy, thus a complete analogy to the relation we found between a lower and a higher value. The connexion between value and reality seems to be, as McTaggart points out, a direct identity without any middle term. We have not to do with a substance that in one case is real, in another valuable, but »the real as such is the important, and the important as such is the real».²³⁷ Hence we have here what we should call ontological identity.

We shall no doubt come nearest Bosanquet's view of this unity if we insert the term »essence» (»Wesen»). In this term lies, as Willmann points out, not merely what a thing is, but also what it ought to be.²³⁸ We have seen the same thought asserted by Aristotle, when he seeks to determine an object by

²³⁶ Suggestions, p. 65

²³⁷ Mind, 1912, p. 417

²³⁸ See Spann, Bemerkungen über das Verhältnis von Sein und Sollen, Zeitschr. f. off. R., III, p. 558

its end because the best in every object is also its essence.²³⁹ The Neo-Hegelian social philosopher O. Spann has given a very clear expression to this view when he says: »Die Erscheinung ist kein Trug, sondern das geoffenbarte, das daseiende Wesen — was nur heißen kann: das gesollte Sein». »Das Wesen des Seins ist: Verwirklichung eines Gesollten.»²⁴⁰

To illustrate this view more concretely we can mention such expressions as the »essence of man», »essence of the church», »essence of the State». Instead of »essence» the term »real» is also used with the same import, in, e. g., a real man, a real church, real art, etc. Of course, by reality we must not here mean the existential itself, even if it is included as a necessary condition. »Real» is instead used in the sense of a value or as an expression of a certain degree of perfection. A *real* work of art is not merely a work of art that exists, for a bad work of art also exists, but it is a *true* work of art, it corresponds to what art *ought* to be. Here we have reality, truth, and value as identical notions. And it is in this sense we must regard Bosanquet's »real thing»,²⁴¹ a sense that receives pregnant expression more especially in »The Philosophical Theory of the State».

With this we have concluded our exposition of the general philosophical basis of Bosanquet's political theory. We have elucidated the relations between wholeness, truth, and reality.

²³⁹ Politics, I: 2

²⁴⁰ Spann, op. cit., pp 559, 560.

²⁴¹ Ideals, p 66. Cf. Life and Phil., p. 63. »The emotional absorbing or carrying power which belongs to great ideas, great characters, great works of art, is measured by the depth and spread of their roots and sources in reality; and this again is measured by their logical power, their power to develop and sustain coherence with the whole ... The incoherence of great creations and great characters is a coherence with the profounder things.»

Therefore, when Bosanquet speaks of the will of the State as real, as true, since it corresponds with a greater whole than the individual's, we now know upon what he is basing this view of his. We have shown the unity between feeling, will, and thought. This sheds light on Bosanquet's view of the general will as rational. We have mentioned his concrete universal. Therefore, when he posits the real will as concrete in spite of the fact that he calls it general, this need not surprise us. We have also seen that according to Bosanquet nature and mind presuppose each other. The consequence for his political philosophy will therefore be that the mind, the will, in the State presupposes a material basis and is not an unattached spiritual entity. Lastly, we have found that the value of a thing is determined by the whole. We shall therefore see that the State signifies a value, since it can include the individual in a more extensive organic connexion. The whole, the Absolute, and the identity between truth, reality, and value make the State more true, more real, and more valuable than the isolated individual.

CHAPTER IV.

The Fundamental Ideas in Bosanquet's Philosophy of the State.

a. The Problem.

The principal problem for the ethico-normative theory of the State is, as we have seen: What justification has the State for exercising compulsion on the members of the community? Or from the juridical point of view: What is "das Recht des Rechtes"? Positivistic jurisprudence could not give an answer to the question, for to say that we ought to obey a legal norm evolved out of the primary norm is meaningless from an ethical point of view, and besides, from where does the primary norm derive its validity? Nor can a sociological explanation satisfy us. That by virtue of its physical superiority the State compels its members to subjection, is no ground of justification for the cause of the State. It is as Rousseau aptly says: *Le plus fort n'est jamais assez fort pour être toujours le maître, s'il ne transforme la force en droit et l'obéissance en devoir . . . Convenons donc que force ne fait pas droit, et qu'on n'est obligé d'obéir qu'aux puissances légitimes*». ¹ A brutal fact of nature cannot give any answer to a Why?, and least of all when a creation of the human will has to be accounted for. Both the individualistic and the universalistic theory of the State meet here on common ground. Both these theories also exhibit unvarying concord as to where this justification of the State

¹ *Contrat Social*, 1. 3

is to be sought it is the notion of freedom that constitutes the core of the political theory in universalism as well as in individualism, even though in their conclusions they arrive at quite different results. The State can only be justified if in some way or other it corresponds to man's own will, his true well-being. If the State is incompatible with man's moral development, then it has no justification, and ought to be abolished, the sooner the better. On the other hand, if the State is a necessary condition for man to be the best he can, then the State is not only justified but also one of the highest values for man. As we have seen, the extreme individualistic theory of the State took the former line, the universalistic the latter. For individualism, therefore, the State came to be an evil, a restraint on man's free development.

It was with this belittlement of the State that Bosanquet joined issue. For him, as for his universalistic predecessors, the State was a necessary basis for all true freedom. The opposition between the individualistic and the universalistic theory of the State has its source in the question whether freedom has its home in man as an isolated being or in man as member of the State. We must therefore first investigate what is characteristic of this freedom. Field is correct when he says that a theory of the State which was formed before a careful investigation of the meaning of liberty would almost inevitably have to be modified after we had made such an investigation.²

It might otherwise have been in place here to give, as Hegel does in his *Philosophie des Rechts*, a short account of the principles underlying the universalistic method of studying the State and the Law. But as we have already given the outline of the universalistic political method, firstly by systematically discriminating it from the so-called empirical method, secondly, by historically tracing its development to a more and

² Liberty and the Modern State, Arist. Soc., Suppl. Vol. XIII, 1934, p. 44.

more consistent structure of its particular character, thirdly and lastly, by expounding its general philosophical foundations, we have secured a firm enough basis to apply it to the various politico-philosophical problems. We then also gain the advantage of seeing it practically applied to various spheres within political philosophy, thus making it easier for us to judge its merits and defects and its capacity to give a full determination of the concept »State« .

b. The Notion of Freedom.

As we have seen, the individualistic conception of freedom was abstract. It meant freedom from compulsion; in the theory of the State freedom from State compulsion. The individualists maintained that freedom was the distinctive characteristic of man, and therefore all infringement on it was an evil. But as they did not find this freedom realized in actual reality, they taught that freedom was a natural right on which the State had encroached by its coercive power. However, they did not enter upon any close examination of the actual nature of this natural right, or upon how the individual who could make full use of it was to be conceived. Recourse was mostly had to a fictive state of nature as a sufficient ground of explanation.

Against this view stood the universalistic philosophy of the State. According to this, abstract freedom was a fiction which, carried to its extreme consequences, would result in futile nothingness. But this did not induce the political universalists to throw the notion of freedom overboard. Like the individualists they regarded freedom as belonging to man's nature. »Renoncer à sa liberté, c'est renoncer à sa qualité d'homme«³ had not least of all its validity for the universalistic view of freedom. None the less the difference is essential. For the individualistic theorists the »natural« meant either the primi-

³ Contrat Social, 1: 4.

tive and simple in contrast to the developed and more complex, or else, — which is partly connected with the former — what comes of itself independent of external influences.⁴ For universalism, however, »natural» implied »what a thing is when its growth is completed»,⁵ to quote Aristotle. We have previously seen that Green introduced this meaning of the terms »natural» and »innate» into British Neo-Idealism. It is from the same point of view we have to look at Bosanquet's view of freedom, as belonging to man's nature.

Bosanquet sets the problem very clearly when he points out that Rousseau's thesis »Man is born free» does not here mean that he is born *as* free, but *for* freedom. The most ordinary conception of growth involves maturity... or complete nature.⁶ If we therefore regard freedom as inherent in our nature, this does not imply that freedom is something given for all time, a *status quo*, but that it is something we must reach through our development. We cannot possess it in all its fulness until we have become ourselves, i. e. until we are what we can best become.⁷ This freedom is a synthesis of freedom *from* and freedom *to* a thing. It means according to Bosanquet not merely juristic freedom, i. e. absence of compulsion, as the natural-right conception of freedom implies, nor »political» freedom, *as* freedom to life and property, but freedom in the »philosophical», »ethical», or »metaphysical» sense, i. e. freedom *to* the best life and hence freedom *from* what hinders us from realizing this, even if the hindrance springs from ourselves.⁸ Thus the negative conception of freedom is replaced by a positive. This freedom is not gained by stripping off one determination after the other of those the individual has received from without, but by the inclusion and assimilation of

⁴ Cf. Bosanquet, *Theory of State*, p. 122

⁵ *Politics*, I: 2

⁶ *Theory of State*, p. 122

⁷ *Op. cit.*, pp. 118 ff.

⁸ *Op. cit.*, pp. 125 ff.

these influences by the individual within himself. For Bosanquet freedom therefore means will or conation, activity, a striving or power to become more than what the actual self is.

This meaning of freedom as active power, i. e. as will, must not be forgotten if we are to understand Bosanquet's fundamental conception of the State. If we say that freedom is the starting-point and central notion in Bosanquet's political theory, this is equivalent to saying that the general will occupies this place. We are making no great mistake if we regard freedom as one of the more important among the reasons that led Bosanquet to call the mind of society the general *will*. Indeed, we usually mean the free *will* when speaking of freedom in the ethical sense. This comes out not least of all in Hegelianism. Hegel regarded freedom as the fundamental determination of the will, just as weight was that of bodies, for »das Freie ist der Wille.«⁹ In his »Rechtsphilosophie« »der objektive Geist«,

Freiheit, Wille came, as we have seen, to be synonymous expressions for the »mind« which was embodied or realized in the State. Like so many other of Hegel's conceptions, this view of identity between freedom and will was introduced by Green into British Neo-Idealism: »Since in all willing a man is his own object, the will is always free. Or, more properly, a man in willing is necessarily free, since willing constitutes freedom, and 'free will', is the pleonasm 'free freedom'».¹⁰

But we should not be giving the Hegelian conception of freedom fully adequate expression if we limited freedom to the will in the sense psychologists take the mental »faculty« that they call will. We have several times strongly accentuated that for Bosanquet thought, feeling, and will are merely different aspects of the same mental unity, and that they therefore cannot exist isolated. This is in fact a trait that runs through all Hegelian philosophy on account of its strong accentuation of the whole. Therefore no contradiction is involved when on

⁹ Rechtsphilosophie, Zusatz zu § 4.

¹⁰ On the Different Senses of 'Freedom', § 1.

another occasion Hegel makes the following assertion, to which Bosanquet also subscribes: »*Eben die Freiheit ist das Denken selbst, wer das Denken verwirft und von Freiheit spricht, weiss nicht, was er redet*». ¹¹ Will without thought is not will in the strict sense, but merely »Willkür. But on account of this coincidence it may often be difficult to say which is thought and which is will, especially in Bosanquet's system. Still, as they are nevertheless 'different aspects, a distinction ought to be possible, even if Bosanquet with his insistence on concrete unity often disregards the claims of the abstract points of view. Notwithstanding this we get a tolerably clear notion of will in the following definition: »Will and activity mean the operation of the nature of thought through the expansion of ideas into fact». ¹² This definition greatly resembles Hegel's determination of the relation between will and thought. The will is »eine besondere Weise des Denkens: das Denken als sich ubersetzend ins Dasein, als Trieb sich Dasein zu geben». ¹³ These definitions, though, do not give full justice to Bosanquet's and Hegel's conception of the will. The will is also the conation to arrange ideas into a whole and to identify them with man himself. Hence the will is man himself, for he is »a world which reshapes itself in virtue of its nature and that of its content, and, in doing so, extends its borders, and absorbs and stamps itself upon something that before seemed alien». ¹⁴ Perhaps Bradley expresses the Hegelian view of the will clearest of all: »A volition is the self-realization of *an idea with which the self is identified*». ¹⁵

¹¹ Geschichte der Philosophie, III, Wke, 15, Berl., 1836, p. 528. (Our italics). Bosanquet, Theory of State, p. XLII. Cf. Green »A thoughtless will would be no will» (Prolegomena, § 151), Bradley »Will and thought everywhere then are implicated the one with the other (Appearance, p. 474).

¹² Principle, p. 67.

¹³ Rechtsphilosophie, Zusatz zu § 4.

¹⁴ Principle, p. 66. Cf. Hegel, Geschichte der Phil., p. 528; Green, Prolegomena, § 153.

¹⁵ Collected Essays, Oxf., 1935, p. 476 (Our italics).

Here we plainly see the determinations that form the basis of Bosanquet's general will. The active transcendence of the self through new ideas to an ever higher unity is the connecting link between the actual, the real, and the general will. If we recall what we previously said about the self-transcendence of the individual, it at once becomes clear why thought must be a necessary basis for there to be any meaning in speaking of a free will. For if this will is defined as »the will that wills itself»,¹⁶ this can only imply that the will is self-determined. Bosanquet therefore rejects the »voluntaristic» view of the will, where the will is merely »the blind underlying impulse of all change, life, and action».¹⁷ Hence, if the will is not to work, so to say, at random and *in vacuo*, it must be a thinking will and have a content that it can make into a systematic whole. Only in this way can one speak of a self-determined will.

The objection cannot here be urged against Bosanquet that it will then be this content or the object of the will that determines the will. For Bosanquet, as we know, reality, is subjective-objective and forms a self-determined systematic whole within which one idea presupposes another. Hegel's thesis that »nothing is in itself that is not for us» gives concise expression to this ontological identity of reality and consciousness.

Now this identity possesses its full counterpart in the system of objects of will. Reality as system of thought is identical with reality as system of will. Hegel accordingly calls the will the unity of thought with itself,¹⁸ and Bosanquet regards will and freedom as lying »in the direction towards unity and coherence»,¹⁹ in fact, he even pushes the comparison so far as to say that the self-determination of this will ultimately forms a logical whole of the same type as »the relation of a conclusion

¹⁶ Theory of State, p. 136.

¹⁷ Value, pp. 123 f.

¹⁸ Geschichte d. Phil., p. 539.

¹⁹ Principle, p. 326.

to premisses». ²⁰ This comparison alienates many, it being considered that there is no rationality in the higher creations of the human mind: we cannot ›predict‹, e. g., a work of art. Bosanquet meets this objection by explaining that ›this is not because we are too rational, but because we are not rational enough‹. ²¹ According to him we can predict simple occurrences, e. g. the mechanical, where we are concerned with very few conditions that are liable to be repeated, but this favourable background for prediction is absent in the more complicated occurrences, such as the shaping of a work of art. But this does not imply that there is less rationality in a work of art than in a simple syllogistic chain of reasoning. Nor can one escape this rationality by asserting that artists in contrast to the scientist produce their works unconsciously, for neither does the latter put all his conclusions in simple syllogistic form. This does not mean, however, that Bosanquet falls into the old formal rationalism, or what he would call intellectualism, i. e. deduce all content in thought and will from certain general postulates. ²² When he compares the artist and the scientist, he means that they agree in that both are active and creative, and hence that they do not construct a whole from general postulates. The will, or freedom, is rational because it is not stoic or negative, but positive or constructive. ²³ — We must not forget this determination of free will, as it recurs in Bosanquet's view of the State as an expression for the rational will, which has occasioned much criticism because it has been ranked with ›the intellectual will‹. This will Bosanquet himself would have unhesitatingly rejected.

Hobhouse urges against this conception of will that it is metaphysically determined and stands or falls with the

²⁰ Op cit, p. 335

²¹ Op cit, p. 332

²² Value, pp. 99, 123

²³ Civilization of Christendom, p. 76

metaphysical identification of subject and object.²⁴ This comment is doubtless well-founded, and we have seen that Binder, who is a consistent representative of Neo-Hegelian political philosophy, subscribes to such an interpretation.²⁵ Still, we can follow Bosanquet's reasoning very far without finding it necessary to accept this metaphysical basis. We have previously stressed the significance Bosanquet assigns to the formative influence of the external world on man. The human soul has not fallen from heaven, but is merely the last link in a long chain of evolution, and has accordingly received its present character through natural and social selection.²⁶ But Bosanquet does not seek to make man merely a product of environment. We also have a selection *by* the organic or intelligent creature as well as a selection *of* it, and an adaptation *of* the environment as well as *to* and *by* it.²⁷ It is a commonplace that man can react on his environment, modify a given situation, and connect facts into a whole. Even if man is shaped by his environment, he is nevertheless a centre from which the environment can be interpreted and understood, and, as he is also active, he remoulds surrounding reality. Thus the creative process of volition is the process of moulding by natural selection as interpreted from the point of view of the soul which is being moulded.²⁸ But it is clear that the soul can only possess this power if it is a thinking will. By merely thinking it would lack the power to act upon its environment, by merely willing it would fall into a meaningless wandering from one chance occurrence to another without the power of controlling external circumstances. Therefore Bosanquet can also define freedom as 'the power of thought and will', which power lies in 'being

²⁴ Hobhouse, *op. cit.*, p. 35.

²⁵ See above, p. 116. Cf. *Grundlegung z. Rechtsphil.*, p. 49.

²⁶ *Value*, p. 75.

²⁷ *Op. cit.*, p. 96

²⁸ *Op. cit.*, p. 113

equal to the situation', or in 'seeing and dealing things as a whole', or in 'seeing life as a whole'.²⁹

If we do not push Bosanquet's conception further, it is possible to avoid subject-objectivity. And Hobhouse himself abandons to some extent his own objection when he comes with a fresh one. If freedom consists in making a systematic whole of things, would it not be more adequate to say 'that in such a system it is the will to maintain harmony than that it is the will to maintain free will which is the vital principle'.³⁰ Bosanquet would grant that Hobhouse was in some measure right, for — following Green — Bosanquet suggests that in this sense freedom is a metaphor, since in a literal or elementary sense it implies »the absence of constraint exercised by one upon the other» and that here we also include freedom from that restraint which comes from ourselves through our momentary impulses and desires.³¹ In Bosanquet's philosophic system, however, this higher freedom is the real freedom, that »people constantly mean when they speak of their *freedom*».

Against Hobhouse, though, we can urge that if by freedom is meant the power to produce harmony and system in objects of will, no objection need be raised against this if only use is not made at the same time of another notion of freedom. Further, in corroboration of Bosanquet, we can say that freedom in this sense is the only possible condition if there is to be any meaning at all in man as free. Otherwise we could merely say that man is free from this or that constraint, e. g. free from the authority of the Church, free from State

²⁹ Op cit, pp 109, 121

³⁰ Op cit, pp 143 f

³¹ Theory of State, pp 128 f

³² Value, p 109 Elsewhere (op cit, p XXIV) he employs the term »often» instead of »constantly», and then comes closer to the above-mentioned view of the higher notion of freedom as metaphorical, for where is the sense in speaking of a metaphorical use of a term that is »constantly» used in this sense?

coercion, etc., but not if this freedom implies freedom or coercion for man as such. Hence, when the individualists define this negative freedom as inherent in man's natural rights, such a view is abstract and unreal. It is more fruitful to attribute freedom, as Bosanquet does, to man such as he is with all his determinations. This concrete view of the individual, which is a uniform feature of British Neo-Idealism, has laid a firm foundation for a universalistic view of the State and community. The fact that the mind of the individual is built up on the aptitudes that he inherits from his parents and ancestors, a mental structure that he has in common with the race, the nation, etc., and that these aptitudes are modified later under the influence of natural and social selection, has served as material for the universalistic view that the reality of the individual lies outside the actual self, in the whole, or the community. »The child is not fallen from heaven», says Bradley aptly, but »has been born at a certain time of parents of a certain race» and »into a living whole, into a system and an order, which is an organism», and from the very beginning of his life the individual is »a pulse-beat of the whole system, and himself the whole system».³³ And Sabine, in an article on Bosanquet's view of the will, asserts that the individual's independence and his power to criticise and think for himself »must have been nourished in the same school with his habitual acquiescence and impulse to conform».³⁴ In view of the pronounced sense Bosanquet possessed for concrete relation, it is easy to understand his aloofness from the individualistic conception of freedom. An isolated individual, being merely an empty abstraction without the least counterpart in concrete reality, is something that cannot fall within the frame of Bosanquet's concrete philosophy, but must belong to natural-right speculation. »The 'free mind' does not explain itself and

³³ Ethical Studies, pp. 168 ff. (cit. abbrev.).

³⁴ Bosanquet's Theory of the Real Will, Phil. Rev., 1923, p. 642.

cannot stand alone»³⁵ is therefore the consequence from Bosanquet's starting-points.

Bosanquet can accordingly reject both indeterminism and determinism. Just as in so many other domains of philosophy, he seeks a synthesis of the two extremes here also. The synthesis of indeterminism and determinism, he calls »determinateness«, which in it combines man's creative power and logical determinateness. Hence, the creative power does not mean causelessness, or the power of motiveless decision between different impulses and desires. Freewill must not be confused in any way with capriciousness. According to Bosanquet the principal thesis of indeterminism, »the power to have acted otherwise', is in the same breath to act and not to act, or, acting, yet not to act».³⁶ Determinism, on the other side, cannot do justice to self-determination, which we have seen Bosanquet define as characteristic of freedom. According to him determinism is fatalism. It has its given place in the physical world, where things that are »selves» or motives can be disregarded. It connotes merely imperfect determination compared with the logical determinateness of free-will. This determinateness »is the key to the relation between our commoner experiences and the Absolute», and therefore it »must be fullest in the Absolute and in God».³⁷

We have seen the same reasoning before in his theory respecting the relation between the finite self and the Absolute, of how man approaches the Absolute by striving for logical unity and coherence. For Bosanquet, therefore, freedom cannot be static, but consists in this process of self-transcendence towards higher unity. It is »something to be made and won. to be held together with pains and labour, not something given to be enjoyed».³⁸ Consequently man is not entirely free, for

³⁵ Theory of State, p. 236

³⁶ Principle, p. 343.

³⁷ Op. cit., pp. 340, 342.

³⁸ Op. cit., p. 338

there are always impulses and desires for which he cannot find a place in the harmonious whole towards which he is striving. From this, however, we are not to infer that freedom is thereby made impossible for the finite individual and can only pertain to the Absolute. Such an objection has been advanced by among others Gertrude Bussey. Her criticism is grounded on Bosanquet's view that freedom vested in the individual does not exclude time and that it also involves an elements of contingency.³⁹ Bosanquet would not have denied the premise on which this comment is based, but he would have demurred to the conclusion. Even if we cannot speak of perfect freedom in our finite world, this does not necessitate our denying finite individuals all freedom. To do so would amount to the same thing as relinquishing the notion of truth in the theoretical domain because we could not reach perfect truth. What Miss Bussey has disregarded in her criticism is that according to Bosanquet there is no absolute dualism between the relative and the Absolute, but that here we have instead a continuity that makes freedom possible, just as it formed the basis for the notions of truth and value.

Nor are we to regard this logical self-transcendence as a formal-logical concept or principle, which Miss Bussey accuses Bosanquet of doing.⁴⁰ Hobhouse raises the same objection in his criticism of the notion of freedom in Hegel's and Bosanquet's theory of the State. According to Hobhouse a logical principle can impose such an oppressive constraint on a part of our nature that it is meaningless to speak of freedom for this part. for »freedom for one element in our nature, be it an impulse or conviction, may mean the subjection of the rest of our nature».⁴¹

³⁹ Dr Bosanquet's Doctrine of Freedom, *Phil Rev*, 1916, pp 712, 719.

⁴⁰ *Loc cit*.

⁴¹ *Op cit*, p. 36 Hobhouse, however, gives Hegel and Bosanquet the acknowledgment that in their philosophy proper they have in one sense escaped this consequence by assuming an intelligible principle of freedom that »springs from the nature of the self as a coherent whole», but, as freedom is intelligible and as in the theory of the State it becomes identical with the law, the constraint none the less reappears

Bosanquet would not have denied the existence here of a kind of constraint. But this does not necessarily restrict freedom, since freedom is not absence of constraint. The crucial point is the quality of the constraint. If it limits man's power of logical self-organization or brings disorder in the whole into which man has shaped the objects of his will, then the constraint is hostile to freedom. But if the constraint furthers our self-determination to a higher whole, then it is also conducive to our freedom.

From these premises the restraint that springs from the self-determined self and that is exercised against the casual and unorganized impulses cannot of course be called hostile to freedom. Nor is this restraint any formal-logical principle such as Miss Bussey believes she finds in Bosanquet, but organized life itself. An abstract principle would have met with as much opposition from Bosanquet as from Miss Bussey and Hobhouse. The criticism of the latter is also intended to show that all our impulses belong in the same degree to our self and that therefore we cannot speak of freedom so long as any impulse is under subjection. It is evident that such a view is psychologically quite correct, and that here it is meaningless to speak of freedom. This does not however prevent Bosanquet's conception of freedom from being fully tenable, for it lies on quite a different plane; it is not of psychological character, but metaphysical (logical, ethical). And Bosanquet is conscious of the fact that only this metaphysical notion of freedom is possible to maintain, while the psychological conception involves a contradiction.⁴² For psychology all reality is equally real, for universalistic philosophy, e. g. for Bosanquet, reality is gradated. He can accordingly say that there is a more real self and a less real self. The mind as a self-determined unity, i. e. as free, belongs to the real self or the real will. The latter is no abstract general principle. The real self and the given self or the mind from day to day are not incompatibles, be it remem-

⁴² Theory of State, p. 131

bered, but are of the same stuff and continue into each other. The difference lies in the fact that to the real self belongs the organized psychical life, to the actual self the unorganized and undirected impulses.⁴³ Some light might also be thrown on Bosanquet's view by saying that the real will is man's »character»; and the feelings and thoughts that conflict with this or are indifferent, belong to the actual self.⁴⁴

We accordingly see that Bosanquet's metaphysical theory has a psychological basis, but that later he carries the consequences further to a view of value and reality. We can here give an illustrative interpretation to this relation between psychological reality and the consequences Bosanquet draws from it by referring to an example we adduced earlier from J. St. Mill. Mill claims in this that a man can be restrained from going over an unsafe bridge without the restraint involving any constraint against his true will, for this man does not desire to drown. A man may often will something that is in conflict with his leading idea or principle. If, for instance, he wills to preserve his life, he often commits acts that may destroy or shorten it. The reason that the individual does not always will his innermost desire is partly that he is not sufficiently acquainted with the means for attaining the end, partly that sensuous impulses and desires lead him astray. This is why Bosanquet can distinguish between a true will and an actual will, which need not by any means coincide, and can even be incompatibles. The man who is enticed by his associates to squander his week's wages at the public-house instead of applying them to the needs of his family wills his action in a certain sense, but it would not involve any logical absurdity if, upon thinking the

⁴³ Op. cit., pp. 100, 137.

⁴⁴ We have here taken the real will in a rather narrow sense in order as far as possible to keep within the limits of the individual self and not immediately plunge into the metaphysical problem. Otherwise, it is a wellknown thesis from Bosanquet's metaphysics that the real self is identical with the general will and the Absolute.

matter over and after his tempters had left, he should say: I did not really will this. And perhaps we could formulate our meaning still more stringently by asking: which will was the man's true will the will that yielded to the persuasions of the tempters, or the will that the man's conscience tried in vain to assert during the dominating influence of the temptation? For Bosanquet the answer would be a foregone conclusion. The true and real for him is the whole. When man's mind is split by many trivial ends and impulses that cannot satisfy it in the end, and it cannot produce anything whole, then there is no sense in which it can be said to do what *it* wills.⁴⁵ The will that corresponds to the whole is our true will, for it is of the essence of man to strive for wholeness and harmony. Höfding characterizes this very aptly when he distinguishes a central and a peripheral will in man. The central will is also an Ought, because peripheral conative tendencies can arise in opposition to it, and because in spite of this we strive to remain faithful to ourselves and our best aspirations.⁴⁶

It will perhaps now be easier to see what kind of constraint the real will exercises upon the actual will. It is imperativistic duty, or conscience.⁴⁷ Bosanquet rightly contends that we generally regard such constraint as a part of our self.⁴⁸ We cannot therefore characterize this principle as a dogmatic, formal moral principle which according to Hobhouse at best holds a great part of us subdued, perhaps sullen and unsatisfied.⁴⁹ It is certainly a logical principle, but for Bosanquet, as we know, logic has its mainspring in love,⁵⁰ and therefore the constraint is not an abstract unfruitful principle. The

⁴⁵ Op. cit., p. 133

⁴⁶ Etik, 2 ed., Kbh'n, 1897, p. 36.

⁴⁷ Theory of State, p. 139

⁴⁸ Op. cit., p. 129

⁴⁹ Hobhouse, op. cit., p. 36

⁵⁰ It is the strict and fundamental truth that love is the mainspring of logic. Principle, p. 341

characteristic of the striving for unity of the real will is not that it suppresses impulses opposed to it, but that it systematizes them into the whole. Bosanquet employs here the term »self-cultivation» in order to get an adequate expression for this power in us, which »does not imply restriction to any one side of the self, such as culture in the current sense presupposes».⁵¹

If the real will is the imperative will, the passage is easily made from this will to the social will.⁵² We saw in our historical excursions how universalistic philosophy, especially in Hegel, came to identify the general will with moral life. This view was adopted in British Neo-Idealism through Green and was stressed still more by his successors Bradley and Bosanquet.⁵³ But it is not only in universalistic philosophy that we find this intimate connexion of the moral imperative with the community, for this view is advanced with the same vigour by individualistic and positivistic philosophy. For instance, Hägerström has shown that the imperative and duty, the feeling and the content of duty, depend upon social relations.⁵⁴ And in his work »Philosophie et Sociologie» Durkheim has demonstrated the same thing. For him the community is »la fin et la source de la morale», and upon »certains préceptes de conduite... confère un caractère obligatoire».⁵⁵

Against the background provided by this view of the origin of the imperative from the community, it is not difficult to

⁵¹ Science and Phil., p. 174

⁵² Cf. Vit. Norström: The life of duty or moral life is in content *sociality*. Every moral relation has its root in the community, and no one can properly understand the nature and essence of moral obligation who does not take the community as his starting-point. The spiritual life that reveals itself in all morality, though most powerfully in its principal form, duty, springs from the community as its root (Religion och tanke, p. 46). Cf. Cohen, Ethik des reinen Willens, especially »Vorrede».

⁵³ Theory of State, p. 139.

⁵⁴ Till frågan om den objektiva rättens begrepp. 1. Viljeteorien, Upps. & Lpz., 1917, pp. 60 ff. Cf. Tegen, I filosofiska frågor, pp. 125 ff.

⁵⁵ Op. cit., pp. 85, 53.

understand why Bosanquet can identify the real will with the general will, even if we ignore the fact that his conception of reality itself implies such an identity. By this Bosanquet's conception of freedom gets a firmer foundation, for if there is to be any sense in speaking of a free mind, even if it is determined by the influence of the community, there must be an intimate connexion between the will of the individual and that of the community. It would otherwise be a self-contradiction to regard the real will as self-determinate.

To facilitate a survey of Bosanquet's theory of the general will we shall distinguish three different points of view, viz the psychological, the logical or metaphysical, and the ethical. Of these, the logical aspect may doubtless be considered the decisive one in Bosanquet, while the psychological is given a subordinate place, perhaps even more subordinate than lay in his initial tendencies. We shall begin with this point of view, as it can be of interest to see how far it is possible for Bosanquet to establish an identity between the will of the individual and that of the community by a purely psychological method. We are accordingly applying here the same method as in the first chapter by carrying the 'empirical' conception of the State to its extreme consequences, we can more easily discover the point at which the philosophical investigation has to start. In one sense Bosanquet takes an opposite course. After metaphysically determining the real or the general will and its relation to the individual's actual will, he tries to illustrate psychologically the results obtained by a philosophical or metaphysical method. It is more especially the chapter 'Psychological Illustration of the Idea of a Real or General Will'⁵⁶ in his chief political work that his psychological analysis stands out most clearly, and therefore we are making this exposition the principal subject of our next section.

⁵⁶ In this contact with psychology there has been an inclination to see one of Bosanquet's most important contributions to Green's and Bradley's conception of society. 'This 'psychological illustration', indeed,

c. The General Will.

1. The Psychological Aspect.

According to Bosanquet we must discriminate between two types of group-formation, viz. association and organization. This discrimination corresponds to the distinction between crowd and organized group made by McDougall in 'The Group Mind'. We have shown in our first chapter that the State belongs to the latter category, and therefore we have no reason to discuss the character of the crowd or association here. It will suffice if we mention that both Bosanquet and McDougall deny the association or crowd constancy, self-consciousness, and general will. For Bosanquet 'the term 'association' implies the intentional coming together of units which have been separate, and which may become separate again'; it is casual and determined by 'the mere chance of juxtaposition'.⁵⁷

The organization, on the other hand, is of quite a different fabric. Here, the units composing the group are controlled by a general scheme that governs their acts. As an example of this Bosanquet takes an army, the same example as McDougall employs later. The characteristics assigned by the latter to the highly organized group would no doubt, taken as a whole, have met with Bosanquet's approval. They are five, viz. 1. Some degree of continuity of existence of the group. 2. An idea of the nature and ends of the group in the minds of the members. 3. Interaction of the group with other similar groups. 4. The existence of a body of traditions, customs and habits. 5. Organization of the group often imposed by the authority of some central power.⁵⁸ These characteristics are brought out most clearly by Bosanquet when he compares organization

may be said to have been his contribution to the theory'. (Muirhead, *Recent Criticism of the Idealist Theory of the General Will*, Mind, 1924, p. 172.)

⁵⁷ Theory of State, pp. 1461, 148, McDougall, op. cit., p. 40, 45.

⁵⁸ Op. cit., pp. 49 f.. Bosanquet, op. cit., pp. 150 f.

with the working or composition of an individual mind, an analogy which he pushes to its extreme consequences.

The association, which is merely a transitory formation, being sustained by the contagion of excitement⁵⁹ — suggestibility, according to McDougall,⁶⁰ imitation, similarity, likeness, according to Miss Follett⁶¹ — corresponds according to Bosanquet with our casual mental associations that are established by the similarity or contiguity of ideas. The organization, on the other hand, corresponds in the individual mind with those mental systems whose course is governed by a general idea, around which the other ideas arrange themselves systematically.⁶² This idea is called a »ruling idea« by Bosanquet; »it is one that has got the control of the mind, and subordinates all the other ideas to itself«. That idea or that nexus of ideas acquires this leading position, which is characterized by a higher »logical capacity«. ⁶³ If we recall what was stated above concerning the relation between the real will and the actual will, we shall readily recognize this in the relation between organization and association. It is true that we have spoken earlier of the real will as a coherent system. But we also know that Bosanquet never assumes any absolute unity in the finite world of the individual. Consequently a mind does not consist of merely one leading idea, but of a number of different systems, each with its leading idea, and hence the systems »may be in all degrees of alliance, indifference and opposition to one another«. ⁶⁴ The contradiction that may exist between the systems does not however go so far that mental life is sundered. In any case a mind has its dominant nature, and therefore we

⁵⁹ Theory of State, p 149

⁶⁰ Op. cit., p 41.

⁶¹ The New State, N Y & Lond., 1918, p 33

⁶² Theory of State, p 154

⁶³ Science and Phil, pp. 259 f (the Essay. The Reality of the General Will)

⁶⁴ Theory of State, p. 154

can say that human nature cannot be at variance with itself⁶⁵ This enables Bosanquet to follow up the comparison between mind and society: the many groups of which society is made up may be in conflict with one another, and at times it seems impossible to unite them. If complete chaos is not to result, there must be an ultimate power to adjust the conflicting claims of the different groups. This power is the State.⁶⁶ We shall return to this later.

But Bosanquet does not stop at a mere comparison of mind and society, or the State. He also seeks to show that they are of the same fabric. The individual's ideas must come from somewhere, and, as the individual is not an isolated being but stands right in the middle of social life, society is the necessary condition for the common experience without which there could be no spiritual life at all. This does not however merely mean that the people in a certain community have some ideas in common, or that they are moved by the same feeling, for then there would be no difference between an association and an organization, between a mob or crowd and a highly organized group. What Bosanquet aims to show instead is that minds and society are really the same fabric regarded from different points of view.⁶⁷ For him, therefore, the social-psychological question is: How can a mind or will be embodied in the State, in society, in law and institutions; and how can this will be identified with the individual will?⁶⁸ He considers that there are three different ways in which this correspondence manifests itself.

1. Every social group is the external aspect of a set of corresponding mental systems in individual minds.⁶⁹ A school, for instance, is not merely a block of buildings or an assembly

⁶⁵ Op. cit., p. 158.

⁶⁶ Op. cit., pp. 157 f.

⁶⁷ Op. cit., p. 158, Cf. Science and Phil., pp 263 f.

⁶⁸ Theory of State, p. 146.

⁶⁹ Op. cit., p. 159.

of people. This is merely the external aspect. Below this variegated surface there is a pulsating mental life that constitutes the true reality of the school. The unity of this life of minds does not primarily consist in the different minds having the same idea, but in the different ideas being connected in such manner that they co-operate for the sustenance of the whole, i. e. the school. The teachers, pupils, parents and public have different conceptions of the idea or end of the school, but all these conceptions play into the connections with all other minds, as a cogwheel plays into the other cogwheels of a machine.⁷⁰ We must not omit to point out here that for Bosanquet the unity is entirely conditional upon difference between the members of the group. If this difference were effaced, if one mind became merely a copy of another, the school would soon lose all life and come to consist of an outer shell. Every social system must be a working system or a system in motion,⁷¹ if we are to speak of a concrete unity or a concrete identity, which, as we have already seen, is identity in difference. Miss Follett, to whom Bosanquet refers in this connexion, speaks here about an integration in difference as a necessary basis for the activity of the group. Every member of, e. g., a committee contributes his view of the matter under consideration to a many-sided result. Miss Follett accordingly holds that the essence of society is difference, related difference, and that unity is only possible through variety and heterogeneity, not through homogeneity, for then there would be merely a crowd.⁷²

2. Every individual mind is a system of such systems corresponding to the totality of social groups as seen from a particular position.⁷³ This thesis has aroused much criticism, having been interpreted to imply that social systems exhausted

⁷⁰ Op cit, p 160.

⁷¹ Science and Phil, p 262

⁷² The New State, pp 33, 39

⁷³ Theory of State, p 159.

the individual mind and made it merely a mirror of the community, thus depriving it of all independence. For instance, Hobhouse contends that the idealist argument has confused identity of character with identity of continuous existence, the result of which was to set up a common self wherein the difference between one person and another is lost and the whole problem of social relations accordingly is misstated.⁷⁴

This criticism, however, is unwarranted. In the commentary to his thesis Bosanquet himself says »we do not suggest at present that all apperceptive systems can be represented as social groups».⁷⁵ And further, there is here no confusion of two notions of identity, the qualitative and the substantial or numerical. Bosanquet does not deny that there is a so-called formal distinctness of selves or souls;⁷⁶ i. e. that it is not a question of an existential identity in such manner that one mind actually enters into another. We need merely remember what we said earlier about Bosanquet's conception of identity to realize that the differences between the individuals in a social unity need not be effaced in an undifferentiated assembly of individuals. But we also know that there can be no question of mere identity of character or quality, i. e. of the individuals having only the same ideas and purposes and hence of the social character only being an abstract universal. Society is something concrete, it enters into the substance of the individual and gives him »new» quality or dignity that he would not have if isolated.⁷⁷

This point of view is perhaps best exemplified in Bradley. He maintains a universalistic conception of the individual, but he does not deny him self-existence. For Bradley mere diversity is as nonsensical as mere identity. If we say that we have had »the same faith, hope, and purpose, and the same feelings as

⁷⁴ Op cit., p. 71. Cf. Gmsberg, Is there a General Will, Proc. of Arist Soc., 1919—20, p 106

⁷⁵ Theory of State, p 161

⁷⁶ Value, p. 47.

⁷⁷ Cf. Muirhead, Mind, 1924, p 238.

another man has now», we do not mean »the numerical indistinguishableness of particular states and moments», but we call »the feelings one and the same feeling, because *what* is felt is the same, and not merely like.⁷⁸ Hence Bradley has got the epistemological basis for his universalistic conception. The individual, conceived as isolated, is merely a fiction. He is not only an »individual», but a »social being», whose essence is made up of that which he has in common with social mankind. In a certain sense his life is the same as the social life; »he is a pulse-beat of the whole system, and himself the whole system».⁷⁹

If the critics of the universalistic conception of the State had given consideration to its terminological explanations, much would have been gained. In reality there is no wide cleft between Bosanquet's and, say, McDougall's sociological ideas. This is not least apparent when McDougall accepts Bradley's »My Station and its Duties» and regards Miss Follett's »The New State» as being in close harmony with his own teaching.⁸⁰ But in spite of this he cannot find words strong enough to announce his dissociation from the theories advanced by Bosanquet. In the last-mentioned case it is probably in part the Hegelian nomenclature in Bosanquet, in part the influence of Hobhouse's — often quite unwarranted — criticism, that prompts McDougall to oppose Bosanquet to Bradley and Miss Follett. But they are all nevertheless agreed that from a social-psychological point of view the individual cannot be regarded as merely a numerical quantity, but that we can also speak of a group mind as possessed of a certain degree of self-existence. The decisive difference between individualism and universalism lies, as we shall see later, in the different conceptions of this they derive from epistemological and axiological points of view.

⁷⁸ Ethical Studies, p. 168.

⁷⁹ Op. cit., p. 172.

⁸⁰ The Group Mind, pp. XI f.

It was no doubt partly the last-mentioned point of view that influenced Ginsberg in his criticism of Bosanquet for regarding the individual mind as an expression or reflection of society from a particular position. Ginsberg upholds the opposite relation: it is society that is »an expression or reflection of individuals from a unique point of view or special angle». ⁸¹ Now Bosanquet does not deny that things are *also* as Ginsberg maintains, which clearly appears from the above-mentioned first thesis. But he also stresses, as in the second thesis, that the individual is an expression of society. Hence these two points of view supplement each other. And doubtless we do not err if we assert that Bosanquet's point of view is more correct. If we were to draw the consequences of Ginsberg's view, it would be quite impossible to get any unity in the group mind; moreover, the social influence on the individual would be unexplained. If we are to speak of society as an expression of individuals, these must already possess a certain social connexion. What might however be urged against Bosanquet is that he allows each individual mind to correspond with the totality of the social groups. Thus he asserts that if each individual mind is regarded as a whole, it will be found that it is »an expression or reflection of society as a whole from a point of view which is distinctive and unique». ⁸² For instance, in a Londoner's idea of London there is hardly a single phase of London life that does not in some way or other enter into the conception, be it merely as a faint background. And the same applies to every social impression: the entire social structure contributes to the total effect, but it is viewed under different aspects, each with its distinctive character. These differences play into one another, and hence we get an organized social whole. ⁸³

⁸¹ Op. cit., p. 107; Cf. McDougall, op. cit., p. 112.

⁸² Op. cit., p. 162.

⁸³ Loc. cit.

It may now be asked if it can be sociologico-psychologically shown that a social whole — even if we confine ourselves merely to its general structure — always finds expression in some way or other in each individual mind. There is of course this possibility in relatively small social groups, though scarcely in large formations, e. g. a city like London. If Bosanquet only meant that there was a causal connexion between the various elements of a group, e. g. between the life of the well-situated manufacturer living in the West End and the life of »the untaught and underfed denizen of a London yard», then it would be possible to conceive of a condition of interdependence between the social units. It is difficult to draw any fixed boundary — if any such can be drawn at all — between what contributes to shaping the individual's mind or stands in connexion with this, and what lies entirely outside the origin, development and present function of the individual mind. But although we can get a social unity by this means, it probably does not closely resemble such a one as Bosanquet has in view, even if it is a necessary condition for the unity of minds. »This is more of an inner character. »whatever does connect a plurality of human beings depends on the operation of apperceptive systems in their minds, and therefore every individual mind is . . . so far as it goes . . . the true effective reality of the social whole».⁸⁴ But how it is possible to say that the dweller in a London yard can reflect in his mind not only his own environment, but also that of the West-end resident and perhaps all England, and that his apperceptive system possesses a certain correspondence in the minds of the other members of society? Seen from a scientifically sociological view-point, is it not venturing too far on unsafe ground to make the individual mind reflect such an extensive environment, or to assert as a sociological fact that each individual mind corresponds to the social whole or the totality of the social groups — in spite of

⁸⁴ Op cit, p. 163

the admission that it is only from one aspect that each individual sees the whole?

This view of Bosanquet's springs from his regarding the social whole as an organism or a system, so that if a single point of view is fixed upon and this is conceived extended in all its connexions, we have the social whole *in concreto*. Hence when he asserts that it is impossible for one individual to cover the whole ground, the social whole need not be lost in consequence. This will be discussed further in the third thesis.

3. "The social whole, though implied in every mind, only has reality in the totality of minds in a given community considered as an identical working system."⁸⁵ What particularly arouses opposition in this thesis is his assertion of the possibility of obtaining an identical working system from a plurality of minds. One wonders if Bosanquet has not here allowed himself to be misled by his philosophical view of the whole into a sociologically inadmissible assumption. In our philosophical excursus we saw how Bosanquet's multiplicistic system could explain oneness in manyness, and we showed how closely related this view was to Leibnitz's monadism. Applied to the example of the school, the school would be the macro-cosm or macro-monad in which the minds of the teachers, pupils, and parents enter as micro-monads. But as the micro-monads possess 'windows' they can not only influence one another, but also play into one another just as one cog-wheel interlocks with another or a screw with its nut. The mental development of the teachers must accordingly also carry along with it the development of the pupils, etc., and concurrently a development of the mind of the school. As a result the school will react not only on its own members, but also on other institutions, other micro-monads. If a State possesses a highly developed educational system, a vigorous church, a good staff of functionaries, this must react on almost all provinces of social life. The resulting interplay between the parts gives us

⁸⁵ Op. cit., p. 159.

a social whole »consisting of psychical dispositions and their activities, answering to one another in determinate ways».⁸⁶

If we work out Bosanquet's reasoning in this way, is there not ground for asking whether Bosanquet has not emphasized this unity rather too much? Laski, for instance, points out that »the will of the average English banker has no identifiable relation with the Will of a South Wales Communist engaged in promoting the objects of the Third International».⁸⁷ But Bosanquet does not deny that the interests of individuals are very widely separated, and that egoistic forces have had great influence in the formation and maintenance of States. *Prima facie*, there may be . . . all degrees of alliance, indifference or opposition between these groupings of persons», but such oppositions also exist within the individual mind, for on account of belonging to many different groups an individual »may find his diverse 'capacities' apparently at variance with one another»,⁸⁸ without the unity being split. And do not similar conflicts and contradictions prevail in the world of ethics and of theory?⁸⁹ Indeed, it is easier to attain unity in the community, since here there is a supreme authority, the State, that has »the absolute power to ensure . . . at least sufficient adjustment of the claims of all other groupings to make life possible».⁹⁰ Later on we shall see what great importance he attaches to this adjusting power. It 'does not however become of decisive importance for unity in the community, for according to Bosanquet there cannot ultimately be an irreconcilable opposition between the groupings, since they are organs of a single pervading life».⁹¹

⁸⁶ Op cit, p 163 This idea resembles in much McDougall's exposition of how the national mind is formed and developed (The Group Mind, esp p 157).

⁸⁷ A Grammar of Politics, Lond., 1930, p 32

⁸⁸ Theory of State, p. 157

⁸⁹ Op. cit, p. 269

⁹⁰ Op cit, p. 158.

⁹¹ Loc. cit.

One must not regard this single pervading life as a mystic or »metaphysical» idea, a »mystic super-will», as Laski says⁹² It is not mystic, for this unity is not a spirit floating over sensuous reality, but has material foundations in the shape of institutions and laws. For Bosanquet it is as impossible to regard a social group, e. g. a school, as simply and solely a mental system as to regard it as purely and simply a block of buildings. We must not disregard facts in space and time, for it is only possible to state ideas fully and correctly if we include buildings, appliances, hours of work and attendance, the environment on which they rest, and the activities in which they are realized.⁹³ Both the outward and the inward sides are therefore necessary for the whole reality of the organization to be possible. Nor should we forget that for Bosanquet the State and society is a progressive integration, a unifying whole.⁹⁴ In this lies the implication that the unity is not absolutely frictionless, but is a working system, the different parts of which interweave on account of their activity.

Though there is accordingly no reason to regard Bosanquet's social will as mystic, there is, in one sense, good reason for calling it a »super-will». Since Bosanquet asserts, firstly, that the individual mind corresponds to the totality of social groups, secondly, that the social whole only has reality in the totality of minds, the social will must be more than an individual will, though it lies, so to say, in extension of the individual mind. The ground on which this assumption rests must therefore be that the social will is systematic and hence an extension of the real will of the individual. If from our account of Bosanquet's conception of reality we call to mind the fact that reality is determined not only by coherence, but also by comprehensiveness, i. e. co-ordination of as extensive a content as possible within one harmonious system, it will be easy for us to

⁹² Laski, op. cit., p. 32

⁹³ Op. cit., pp. 160 f.

⁹⁴ Op. cit., p. LVII.

understand that Bosanquet can say »that the given individual is only in making, and that his reality may lie largely outside him. His will is not a whole, but implies and rests upon a whole, which is therefore the true nature of his will.«⁹⁵ Hence the individual's real will is identical with the social will, or the general will. This last-mentioned term, the general will, has so far been avoided by us in this social-psychological investigation, partly because Bosanquet himself does not use it in his »Psychological Illustration«, partly because we ourselves wish to keep the logical and ethical character of »the general will« unencumbered by a social-psychological aspect. But when at this point we introduce the term, we consider ourselves justified, seeing that Bosanquet, as is evident from our last quotation, has overstepped the limits within which a sociological investigation ought to be kept. Sociology cannot, and should not, pronounce on the character of the individual's reality. Any statement to the effect that the individual's true reality lies outside him is a view of value that does not belong to sociology. It is evident that no objection should be raised if the purpose of a sociological investigation is merely to illuminate a philosophical conception previously set up, or if after a sociological analysis philosophical consequences are drawn from it bearing on the character of the individual's reality. Neither has Bosanquet presumably had any other intention, though he does exhibit a dangerous tendency to expunge the boundaries.

If we follow Bosanquet's line of argument for the supplementation and systematization of the individual will by other individual wills, we shall find it easier to understand how the individual will implies according to him a logical volitional system. It is especially in his debate with Broad in »Mind«

⁹⁵ Op cit, p 165. Cf Follett, op. cit, p. 33 »Psychological analysis shows us how we can at the same moment be the self and the other, it shows how we can be forever apart and forever united »

about the relations between the State, general will, and individual will that this reasoning comes out clearly.

If, for instance, I will to go to town, this volition, he points out, involves the existence of thousands of other particular wills, which are to mine as one general will to a particular within it.⁹⁶ Every volition is therefore a system or complex of wills rather than a particular one. But these systems of wills can later in their turn be elements in a more comprehensive whole of wills. Every man has what Bosanquet calls a »standing will«, i. e. a large number of these complexes of wills bound together in a rational manner that makes this standing will more constant than casual wants. Thus far his view is shared by Broad: »this system of connected volitions, or the organising principles of the system, are what I understand by Smith's will«.⁹⁷ But their opinions soon diverge. Bosanquet does not with Broad make this standing will individual, but goes further: »I hold that my will, and any others which mine implies, or which imply mine, form a system which is general against my will taken by 'itself'«.⁹⁸ Hence Bosanquet makes no distinction, whether this will includes »my own« ideas or also those of others. I cannot will a thing »effectively« in which I am »ignorant and untrained«.⁹⁹ I must, as it were, borrow ideas from others in order to be able to translate my wants into an act. If, for instance, I will to do my gardening work myself, this will implies that I will those means that only a gardener knows. We so to say help each other to attain our ends. According to Bosanquet there is »little reason for distinguishing the correlation of dispositions within the one person from the correlation of the same dispositions if dispersed among different persons«.¹⁰⁰ It makes no difference if I am a gardener,

⁹⁶ Bosanquet, *The Notion of a General Will*, Mind, 1920, p. 78

⁹⁷ Broad, *The Notion of a General Will*, Mind, 1919, p. 502.

⁹⁸ Mind, 1920, p. 77.

⁹⁹ Bosanquet, *The State and the Individual*, Mind, 1919, p. 75

¹⁰⁰ *Theory of State*, p. 165.

physician, shoemaker in the same person, or if these occupations are divided among the different members of society. From the point of view of the whole of wills it is a matter of indifference whether they fall within a single individual or are distributed among many.¹⁰¹ We are, as Hoernlé expresses this idea of Bosanquet's, »very literally members of one another».¹⁰²

From such a starting-point it follows as a natural consequence that the will which constitutes the mind of the community is of the same character as the individual's standing will. The plurality of »wills» on which the community is built is »bound together by the nature of the propositions not all identical, but necessary to another's truth which all the particular wills desire to be truth».¹⁰³ With such a conception of the whole it is of course easier for Bosanquet to accept the social will as a unity in spite of its consisting of many particular wills.

It may be said to Bosanquet's credit that there is a complete absence in him of any tendency to fall into the common notion of substance. But there is nevertheless a great risk in wiping out in this way the boundaries between the different wills.¹⁰⁴ Modern social psychology may have shown the intimate connexion existing between the will of the individual and that of the group, or society, but it does not completely efface the boundaries. Even if we could concede that the general will possesses unity of a kind, this unity would not resemble the individual's standing will, for this has its root in a common subject, whereas the particular wills of the group will spring from different subjects. A more fruitful distinction is made

¹⁰¹ Op. cit., p. 166

¹⁰² Hoernlé, Bosanquet's Philosophy of the State, Political Science Quarterly, 1919, p. 613.

¹⁰³ Mind, 1920, p. 78.

¹⁰⁴ Respecting how far Bosanquet has sought to preserve the independence of the individual will, see above, p. 218.

here by Durkheim when he regards the collective mind as being of a different nature from the individual » *Les faits sociaux ne diffèrent pas seulement en qualité des faits psychiques; ils ont un autre substrat* »¹⁰⁵ This distinction may also prevent us from lapsing into the opposite extreme — to what extent Durkheim escapes it we will leave open — namely that of regarding the social unity as being made up only of certain common ideas and interests of the members, for this would involve expunging the boundary between the crowd and the highly organized group.

When we now pass to what we call the logical — or metaphysical — aspect of the general will, this does not imply that we are leaving the sociological point of view completely out of sight. According to Bosanquet the general will is not an abstract construction of thought, but is sociological reality regarded from the point of view of the whole. We have seen that Bosanquet starts from the individual will, shows its self-contradictions if it is conceived as isolated, and draws from this the consequences for the assumption of the real will and the general will, of a logical, systematic whole. Before leaving this section we will sum up the results so far attained, and that will afford a basis for the coming exposition.

The individual mind or will is organized on the basis of certain leading ideas, most of which, if not all, it has received as member of a society, for »every mind and will is ... supplemented, reinforced, and controlled by the co-operation of minds and wills which is the community».¹⁰⁶ On the other hand, the social will is itself founded in the individual will — or more correctly — in the totality of the individual minds; hence the individual mind and the social mind presuppose each other. Consequently the social mind or will is not a mystic or abstract idea. To this inner, spiritual side is added

¹⁰⁵ Les règles de la methode sociologique, p. XVI.

¹⁰⁶ Bosanquet, The State and the Individual, Mind, 1919, pp. 75 f.

an outward and visible side consisting of the institutions and activities of the community. Both the outward and the inward aspects are necessary. The former gives the latter that firmness and constancy which makes it possible for the community to be a moral imperative for the individual. This imperativistic will is a firmly organized will, and therefore it can also be called man's free will, if freedom is taken in the sense of self-determination, harmony, systematic wholeness. To show that this will is *real*, that it is *identical* with the social or general will, that the general will forms a *unity*, will be our task in the logical or philosophical investigation of the general will.

2 The Logical Aspect.

The criticism that has been directed against the psychological aspect of the general will does not strike the nuclear problem of Bosanquet's theory. It is not the psychological aspect that has been decisive for Bosanquet. That has in the main been adopted only to illustrate the results gained in other ways, by logical and ethical methods.¹⁰⁷ But as Bosanquet has at times credited psychology with being able to give a positive explanation of reality, he is himself often responsible for the criticism lodged against him. When objections on a purely psychological basis are brought against him, he certainly tries at first to meet them on their own ground, but, as he does not draw a sufficiently sharp boundary between the psychological and the so-called logical (philosophical, metaphysical) aspects, he soon glides imperceptibly over to the latter, with the result that the discussion fails to shed any light on his standpoint.

Now what is it that causes Bosanquet to disregard so readily the distinction between the psychological and the logical? We

¹⁰⁷ It is true that, for Bosanquet, it is in the last resort logic which furnishes the clue to the nature of reality, hence with him it is logic which finally absorbs psychology, and not *vice versa*. Mary E. Clarke, A Study in the Logic of Value, Lond., 1929, p. 16 n.

can instantly reject the thought that it is due to any momentary confusion of conceptions. His view of this question is merely a special case under his general conception of reality. We received an intimation of this at the end of the preceding section, when we outlined Bosanquet's account of how the will of the individual must be supplemented by the wills of the other members of the community in order to become fully real: it is not the actual psychical act of the will, but the content or objects of the will, that determines his view. This is a line of reasoning that we recognize from our exposition of his theory on the relation between mind and its objects. We found there that Bosanquet — in contrast to Brentano-Meinong and Russell, as also partly to his own earlier view — did not distinguish between psychological act, content, and object, but considered that these three elements constituted a whole. Thus he drew no essential distinction between an object existing now and one existing in the past, nor between an actual thing and a creation of the imagination. For him the principal method was to comprehend everything in a system of reality, and, as psychical acts and objects were equally necessary for reality, he found no occasion to draw any abstract boundaries.

This view enables him to identify the real will and the general will. The identity of the objects of the will is the ground for identifying the wills of the members of the community. Obviously such a view could not stand uncontradicted. Here runs the boundary not only between the sociologico-empirical and Bosanquet's philosophical views of the State, but also between the individualistic and universalistic theories. It is therefore impossible to take up for discussion all the objections that have been urged against the general will on these grounds, especially as such a discussion belongs more to our preceding study of principles than to the politico-philosophical exposition, where we look upon the general philosophical set of problems as a given starting-point.

We shall take up for consideration only those objections which have been raised by Morris Ginsberg, who has given Bosanquet's view in this question a pertinent and exhaustive analysis and earnestly endeavoured to do Bosanquet justice. Concomitantly we can perhaps also facilitate a better understanding of Bosanquet's own standpoint.

Ginsberg epitomizes his criticism in four points. 1. »Contents never *become* states of mind » The former »possess the kind of being that belongs to truth. The latter are temporal processes or occurrences.« 2. Contents cannot have an existence of their own independent of acts of consciousness. 3 Two acts the contents of which are identical or »exactly the same would still be two acts and similarly two minds«. 4. Unity or identity of contents can never so »penetrate the existence of the separate acts of will or thought as to convert unity of content into unity of existence«. ¹⁰⁸ He sums up his general conclusion from these propositions thus: »The fact that the realization of my purposes is dependent on the existence of other human beings and the realization of their purposes on mine does not involve that they must be I, or I they, and the continuum of mental acts, which constitutes the phases of a self, does not lose its existential unity because their contents are identical in character with the contents of the mental acts of another self.« ¹⁰⁹

This view of Ginsberg's does not differ much from the one Bosanquet advanced in his first works on logic. He made there the same distinction between temporal psychical processes and non-temporal logical ideas. Naturally this distinction is not entirely absent from his later works, but as he aimed more here at seeing everything from the point of view of coherent reality, the so-called formal distinctions have had to retire to the background. There is accordingly no confusion between qualitative identity and substantial or existential identity, as we also explained in the preceding section. Here we must not

¹⁰⁸ Op. cit., pp. 103.

¹⁰⁹ Op. cit., p. 105

lose sight of the peculiar character of Bosanquet's conception of reality. According to this, reality does not imply the same as actuality or existence, even if these are necessary conditions, but is the rational connexion of objects. Bosanquet can therefore regard the distinctions — which nevertheless exist according to him — between different individuals and between acts and objects or contents as merely formal, not real. If in concrete reality it is impossible, except by abstraction, to separate an idea or a content from the act of comprehension or apprehension — which has also been stressed by Ginsberg in his second point — then concrete reality is abandoned in favour of an abstract point of view.

We may in brief review say that Bosanquet has not disaffirmed the 'view for which Ginsberg makes himself interpreter, but he has found it insufficient and passed on to a »higher« conception of reality. This has been described as an ethical and religious conception,¹¹⁰ and this opinion also accords with the impression we have gained of Bosanquet's view of reality. He accordingly distinguished between the actual mind and the real mind. The former was bound to this or that particular person, whereas the latter was independent of the spatial bounds that limited a finite individual. It was not necessary for the real mind to be fully actual in the individual, although it had to be actualized to some extent. The completely real mind therefore became a kind of »Ought« that lay outside the individual, or, as we said earlier, in the logical extension of the rational mind or will that is to be found in the individual. Therefore, if the individual was to attain his full reality, this required self-transcendence, self-dissipation, self-sacrifice if by self was meant the actual self, but self-realization if self meant the real self. Self-systematization, self-organization, self-cultivation are therefore the best

¹¹⁰ Murhead, *Mind*, 1924, p. 234; Taylor, *Mind*, 1920, p. 99 (Review of »Hobhouse, The Metaphysical Theory of the State«); Sabine, *Phil. Rev.*, 1923, p. 645.

terms, for these clearly express the individual's end to make his actual self rational, real. The fact is that we must not sever the link between the actual and the real. This is also to be seen from our account of the relation between act and content, for, if these imply each other, the individual psychical act must not be eliminated. This was disregarded by, e.g., Ginsberg when he accused Bosanquet of hypostatizing content.

But, perhaps someone will now object, if Bosanquet regards the real mind — at any rate the greater part — as lying outside the individual mind, will it not either be an empty Ought, an ideal, or else a hypostatized reality, though without spatial existence? Bosanquet saves himself from these consequences by making the real mind or will identical with the general will. This will is both real and actual. It is real because it is a higher systematic whole than the individual will. It is actual or existent because it is embodied in the institutions and laws of the community. Hence it is no abstract ideal, no mystic super-will, unattached to the material world. In this it does not differ from the individual will. Just as man's mind is only possible in connexion with his body, so is there sense in speaking of the group mind, the social will, the general will, only if it is possible to get an outward side to it in social institutions. We see this group mind in the institutions of family and property, in the district and neighbourhood, in the class, in the national state, in fact in all organized social life,¹¹¹ but we can never find it without this »material» basis. It was the great mistake in Rousseau that he overlooked this. But to save the »volonté générale» from becoming merely an empty abstraction devoid of reality, Rousseau had recourse to the »volonté de tous» that he had once discarded. Now the general will became the common factor of the will of all. But through this its distinctive character was lost. It became not *one* will but many wills.

¹¹¹ Theory of State, pp 278 f

Yet should we continue to regard this general will as *one* will, we cannot escape those contradictions which Ginsberg has shown in his criticism of the general will.

We must not believe, however, that according to Bosanquet the unity of the general will depends solely on the so-called outward side, even if he seems at times to assume this.¹¹² Then we might just as well say that the individual mind has its unity through the individual, to which, as we have seen, Bosanquet will not agree. Nor would there then have been any reason for making the social will a more systematic unity than the individual will, for the material foundation of the latter forms a more defined unity than the aggregate of institutions and laws. In his chief political work this difference between the individual and the community did not stand out so clearly for him as in »Social and International Ideals». Here he became aware that the comparison between the mind-and-body relation in the individual and the inward-and-outward relation in the community is a comparison that halts considerably, for »a community simply cannot express its will directly, as a man or woman can, in a bodily act».¹¹³ There must consequently be a spiritual unity, »or else the body goes to pieces»,¹¹⁴ as Bradley so aptly expresses it. But if the unity is not of external character, nor, as we previously saw, of social-psychological character, how can we get a logical unity that is not abstract?

Any clear and concise definition of the general will from a logical point of view is very difficult to find in Bosanquet. It will no doubt be easiest for us to mark it off by negatives, a method that is employed by Bosanquet himself. We shall therefore confront Bosanquet's view with that of two other social philosophers or social psychologists and try in this way to reach Bosanquet's own standpoint. For this purpose we are selecting Mackenzie and McDougall; the former because he

¹¹² E. g. Science and Phil., p. 264

¹¹³ Ideals, p. 289.

¹¹⁴ Ethical Studies, p. 177.

belongs to the same philosophical group as Bosanquet, McDougall because his criticism gives us occasion to make Bosanquet's conception of the will clearer.

Mackenzie distinguishes between the will of one, the joint will of some or all, the co-operative will, and the general will. If a family, for instance, one day decides to make an excursion but the different members are not agreed as to where to go, a decision may conceivably be arrived at in the following ways. 1. The head of the family may have the prerogative of decision. Here we have the will of one. 2. The different members »may find some place that would be suitable for the fulfilment of all their wishes, and they may unanimously decide on that. This would be a case of the joint will of all.» If a majority had the decision, it would be the joint will of some. 3. If the decision is arrived at by way of compromise, we should have a co-operative will. 4. But if they agree to take special account of, say, the welfare of a sick member of the family and not consult their private wishes, such a decision would come very close to the general will. This implies according to Mackenzie two things: »(1) the concurrence of a number of persons in a single decision; (2) the fact that the decision is taken with reference to the good of the whole group, and not only a balancing of individual wishes».¹¹⁵

Bosanquet would not have agreed to this determination of the general will, though more to its second characteristic than its first. As the first of the three negatives by which he marks off the general will he states that the general will »cannot be identified with the decision of a community by vote upon any single issue». Such a decision can be an expression or a consequence of the general will, but not this itself, as the general will is a system, a »system in motion»¹¹⁶. Nor would Mackenzie's second characteristic fit directly into Bosanquet's

¹¹⁵ Outlines of Social Philosophy, p. 54

¹¹⁶ Science and Phil., p. 262.

conception. Even if the general will aims at the good of the whole group, it is nevertheless no decision, since a decision is deliberate or reflected, but, according to Bosanquet, »the ideas that dominate the will do not always appear in reflection». Bosanquet's second negative is therefore that »the general will is not identical with public opinion, considered as a set of judgments which form the currently expressed reflection upon the course of affairs». The third negative, however, approximates to the positive determination of the general will: »it is not merely the *de facto* tendency of all that is done by members of the community», but if this tendency directly concerns the organization of life, i. e. if it »reveals active ideas with reference to the connection of persons or groups of persons»,¹¹⁷ then one comes very close to the general will. Affirmatively, therefore, Bosanquet identifies it with »public opinion in a pregnant sense: . . . as the *actual* tendency of the whole process in which the necessary organizing ideas of all individual minds in the community are factors». ¹¹⁸

This content of the general will approximates closely to, not to say is identical with, what some German sociologists (e. g. Sombart, Weber, Scheler, Spann)¹¹⁹ call »Geist» and the Neo-Hegelian political philosophers (e. g. Binder, Busse, Larenz) regard as Idea. By this nothing directly psychological is meant, but just what is so appropriately denoted by Bosanquet as tendency. In fact, it belongs to the same category as the tendency in a novel, in a stage-play, etc. It means a certain trend of an idea or set of ideas that gives an inner meaning to a social formation established by the creative powers of one or more individuals. This »Geist», Spirit, or Idea, must of course be anchored in individual minds, but it need not on that account be anything psychological. It is in full agreement with this that Bosanquet says of the general will: »It is not

¹¹⁷ Loc. cit.,

¹¹⁸ Op. cit., p. 263.

¹¹⁹ See Neurath, *Empirische Soziologie*, Wien, 1931, pp. 49 ff.

essentially superficial nor sentimental. It is essentially logical »¹²⁰ When therefore, e. g., Hobhouse and Laski object to the conception of the general will as a unity because it does not rest on a single will, but on many,¹²¹ this criticism does not hit Bosanquet's view of the general will, as it is rational, logical, not psychological. Bosanquet institutes an instructive comparison when he points out that the distinction between the general will and the will of all is analogous to the logical distinction between a »true Universal Judgment» and a »Judgment of Allness».¹²² The former judgment has its unity irrespective of how many frame it. In Hegel we also find the same determination of the general will: »Der allgemeine Wille ist nicht anzusehen als zusammengesetzt von den ausdrücklich einzelnen Willen, so dass diese absolut werden. Er muss der vernünftige sein, wenn man sich auch seiner nicht bewusst ist. des Willens an und für sich.»¹²³

But this determination must not lead us to suppose that the general will is abstract and consequently unreal. By »logical» Bosanquet means, as we know, not something formal-logical, but something concrete that we find revealed in art, morals, religion, and not least in social formations. The logical whole in a work of art is, in short, the harmony, but this is not possible independent of either a human mind or a certain material. It is the same with the »Geist» or the Ideal in a system of laws (*l'esprit des lois*), in an institution, etc. Through the human mind the social formations get their inward side, through the material shell or through organization their outward side. The work of an institution or an organization is directionally determined by the ideas that prove to have the greatest logical capacity for the situation in question. If

¹²⁰ Op cit, p 263

¹²¹ Hobhouse, op cit, p. 81; Laski, Bosanquet's Theory of the General Will, Arist. Soc., Suppl Vol. VIII, 1928, pp 50, 54, 58

¹²² Theory of State, p. 105

¹²³ Geschichte der Phil, pp 528 ff. (cit abbrev)

too strong a conflict of ideas is prevalent, all activity will be rendered impossible. There then exists no general will. The prerequisite to this is therefore a single pervading life consisting of logically organized ideas. Thus, every mind contributes to the logic of the whole in as far as its ideas contribute to forming that logical whole which constitutes the general will. This interpretation of the general will receives concise expression in the following words from Bosanquet: »Every person who does anything which is a necessary function in the community has in virtue of this function, which is mirrored in the shape of his leading active ideas, a definite position in the logical system of the community . . . If we all understood our own active ideas completely and rightly in relation to those of others, then we should have the whole general will in our explicit consciousness»¹²⁴

In this determination of the general will as not explicit in the mind of the individual Bosanquet differs from McDougall, who on this account has levelled severe criticism against Bosanquet's doctrine.

1. McDougall's attack is directed in the first place against Bosanquet's conception of harmony. According to McDougall, Bosanquet regards the general will as »the product of practical activities making for nearer smaller ends» and makes its harmony depend on the fact that »the activities of each individual are parts of a systematic whole».¹²⁵ For McDougall such a view is merely a new edition of »the old individualist laissez faire doctrine» of Bentham and Mill. It cannot explain how the systematic whole that is the State can have arisen, nor how the good of the whole is possible to achieve. But if it has nevertheless been possible at times for this good to some extent to be realized in this way, by »fortunate accident», yet it is not according to McDougall fully correct to speak here of a general will, since a will is self-conscious, i. e. it must start

¹²⁴ Science and Phil., p. 264.

¹²⁵ The Group Mind, p. 155.

from the contemplation of some end represented in relation to the idea of the self». ¹²⁶

Bosanquet cannot however be said to have reverted to the laissez-faire doctrine. He recognizes, as we have seen, that there are in the community conflicts that can be settled only if the State has absolute authority. These conflicts concern not only life and property, but the unity of the whole community. Further, when Bosanquet affirms a harmony between the activities of the different individuals, this also has its ground in his view of the formative influence the community has on the individual. The harmony that results from *laissez-faire* starts from the private individual. Bosanquet, however, takes the community as his starting-place. The general will is not a summation of the interests and ideas of different individuals, but the individual is himself a part of the general will, which gives him a certain attitude, a tendency — of which he is mostly unconscious — to the social whole. If the general will lacks this power, and individuals are actuated only by their private interests, the foundations for the existence and unity of the community are withdrawn. Lastly, we may mention that it is not a fully correct interpretation of Bosanquet's view of the general will to make it entirely unconscious. This point we shall presently develop more fully.

2 McDougall agrees with Bosanquet that an organization or a highly organized group, e. g. the nation, is determined by the general nature and principle of the whole group. None the less McDougall considers that his view of the organic unity is not the same as Bosanquet's. As the distinctive character of the highly organized group he assigns self-consciousness, and he objects that Bosanquet only recognizes the lower kind of unity, to wit, the kind of unity that is characteristic of animal bodies, but not the unity of self-consciousness. ¹²⁷

¹²⁶ *Op. cit.*, p. 156.

¹²⁷ *Op. cit.*, pp 156 f.

But here, too, McDougall has much simplified Bosanquet's view. We frankly admit that Bosanquet is very obscure in this point, but there is no occasion to draw the consequence that McDougall does. In several passages Bosanquet has directly stated that the social or political organism is not an animal or vegetable organism, but an ideal unity. For instance, in the article previously mentioned by us on »Hegel's Theory of the Political Organism» he says, following Hegel, that »the self which is the end, or the end which is the self, in the social and political organism, is the complete, consistent and self-conscious development of human nature»,¹²⁸ and he seems also to subscribe to Hegel's view that the soul of the State is »the self-conscious will that has actualised and harmonised itself»¹²⁹ In his essay »On the True Conception of another World» in »Essays and Addresses» the same view conflicting with McDougall's interpretation comes to just as clear expression. Here he definitely affirms that the unity of organization is not »visible and tangible» like the human body, but is an ideal unity that consists in »mutual intelligence and reciprocal reliance» and has its existence in the mind.¹³⁰ We shall now see how this view can be compatible with the equally strong tendency in Bosanquet to make the general will only in part self-conscious.

3. The principal thesis for McDougall is this, that the nation can exist only if the national idea is present in the minds of the individuals and determines their acts. It would be impossible to get national unity if the individuals were only moved by self-regarding motives. It is the same with such groups as the family and the tribe. Only in as far as the group is conscious of itself as a group (nation, tribe, family) and in as far as the idea of the group and devotion to its service determines the acts of the individuals, is it possible

¹²⁸ Mind, 1898, p. 8.

¹²⁹ Op. cit., p. 7.

¹³⁰ Op. cit., p. 97.

for the group to exist. And only under such conditions can we speak of a general will, for »it is absurd to maintain that the general will is but the blind resultant of the conflict of individual wills striving after private ends and unconscious of the ends or purposes of the nation«.¹³¹

Before considering in what degree this view is justified as criticism against Bosanquet, we shall devote a few words to indicating the grounds for his view of the general will as not fully conscious, especially such as he represents it in his article »The Reality of the General Will«

According to Bosanquet social life is so complicated that no one can »cover the whole ground«. The individual is not even conscious of his own active or practical ideas. It frequently happens that you can tell a man »something about his own conscious action which he really did not know till you told him«¹³² Still less is it possible for the individual to have in his mind »the real development in which his community is moving«. This is not even wholly possible for the greatest statesman or the historical philosopher, even if in such a man as Cavour we have an example of a very intimate relation between the conscious end and the historical result. According to Bosanquet it is fallacious to believe that the whole moral world is consciously produced or constructed by man; instead, »we are to the structure of legal, political, and economic organization like coral insects to a coral reef« »The process always needs the future to explain its real tendency.«¹³³ This is typical Hegelian reasoning on the logic of the unconscious, which has received its most apposite expression in Hegel's view that the task of philosophy is not to shape history but to interpret it. As a summary of Bosanquet's view of the relation between the conscious and unconscious in the general will we may quote the following words: »Thus the general

¹³¹ The Group Mind, p. 161

¹³² Science and Phil., p. 264

¹³³ Op. cit., p. 265.

will is only in part self-conscious, and in as far as an attempt is made to formulate it in judgment it seems to become fallible. For then it ceases to be fact, and becomes interpretation of fact.»¹³⁴

Is not this view opposed to the one we have just seen him express when he regarded the social organization as an ideal unity? And with that is not McDougall's criticism as a whole justified? But when Bosanquet says that the individual cannot cover the whole ground and cannot be fully conscious of the whole, we must not draw from this the conclusion, as McDougall does, that the general will is made up of blind impulses and private ends. As we have seen, this is according to Bosanquet characteristic of the actual will, not of the real or general will. And in the preceding section we showed that the group mind consists in each individual reflecting the whole, though from a particular point of view.

The synthesis of the individual's private strivings and his strivings after the whole is to be found in »my station and its duties». The general will is only possible if every member of the community discharges his duties in the station in which he finds himself. This was Plato's view: Justice implied the harmony that consisted in every individual, class or estate knowing their station in the great whole. We met with the same thought in Hegel. Patriotism or »*Staatsgesinnung*» did not primarily consist in heroic deeds, but in loyal service, however humble a station the individual had been allotted in the community. This idea received its systematic formulation and foremost spokesman in Bradley. For him the moral will consists in »the objective will of the moral organism» willing itself in us. In willing morally I must therefore will »my station and its duties: that is, I will to particularize the moral system truly in a given case».¹³⁵ This theory was later

¹³⁴ Loc. cit.

¹³⁵ Ethical Studies, p. 180.

adopted by Bosanquet,¹³⁶ although the actual term »my station and its duties» had mostly to give place to »the general will». But, as we have seen, it means a logical system into which every individual will enters to the extent it can be logically co-ordinated with the rest of the system. This is most clearly expressed in Bosanquet's definition of patriotism, which we can regard as a synthesis of Hegel's and Bradley's views: »Your love of country is not to be presented in the light of a yearning for occasional acts of heroism, but as a daily sober loyalty; the recognition that the working centre and purpose of life lies in our duty to our fellow-citizens and in the law-abiding citizen spirit.»¹³⁷

What then does this view of the general will as an expression of »my station and its duties» imply in reference to the consciousness of the whole? We can say that if the private individual allows the whole to be reflected in his mind by conscientiously performing the duties that his station in the community requires of him, then he is also conscious of the whole in so far as he is conscious of an aspect of it, but an aspect that is organically connected with the whole. And the question is whether Bosanquet, when he makes the general will only in part self-conscious, does not give a more correct expression of social-psychological reality than McDougall. Hobhouse, for whose work »The Metaphysical Theory of the State» McDougall expresses the completeness of his sympathy,¹³⁸ also takes the same standpoint as Bosanquet — although he regards it as opposed to Bosanquet's and hence gives this a different interpretation from what McDougall gives it. Hobhouse maintains that social institutions have often had their origin in selfish interests, but that there is none the less a

¹³⁶ Essays and Addresses, pp. 121 f, Theory of State, p. 191, Science and Phil., p. 282.

¹³⁷ Ideals, p. 5.

¹³⁸ The Group Mind, p. X.

sense »in which the institutions and traditions imply a certain social mentality». And so he continues: »The acceptance of such traditions, though generally unreflective, cannot be wholly unconscious, and each individual as he accepts them fits himself into a scheme of life, not as voluntarily choosing that scheme as a whole, but as accepting his part in it». ¹³⁹ Nor does Bosanquet mean anything else when he states that the general will is only in part conscious and that the individual reflects it from his particular point of view. The fact that Bosanquet draws the epistemological and metaphysical consequences from this view need not affect the conception of the social-psychological foundation.

But Bosanquet can also find support for his view of the general will in McDougall; that is to say, if we draw the consequences of the latter's view. According to McDougall, the group, e. g. the nation, »is real and vigorous in proportion as its consciousness of its self is full and clear», and according to the degree of »the accuracy and fulness with which each individual mind reflects the whole», i. e. in the measure the individual is conscious of the ends or purposes of the group and sacrifices his private interests for them. ¹⁴⁰ But have we not conditions here that are very rarely realized? Probably no one would deny that if these conditions were actually present as social facts, we should have the group described by McDougall. But, as it is, this group is more or less an ideal, and this is also admitted by McDougall: »In this sense Society has never yet been perfectly realized, but it is the ideal towards which social evolution tends». ¹⁴¹ Such a view, however, would imply that the general will, such as it now occurs realized in our imperfect social world, is only in part self-conscious. Here, then, Bosanquet and McDougall could also meet on common ground. In his exposition Bosanquet also emphasizes the con-

¹³⁹ Hobhouse, op. cit., p. 125.

¹⁴⁰ Op. cit., p. 161.

¹⁴¹ Op. cit., p. 162.

ditions that must be present to make a group perfect. This is especially the case in his review of »the art of living together» that Miss Follett pleads for and that has won such strong support in both Bosanquet and McDougall. But Bosanquet makes a reservation here, and, it may be said, a most important one. »The author», he says of Miss Follett, »goes far in disclaiming mysticism, . . . and in applying the name of psychology rather than metaphysic to the study of real unities».¹⁴² This reservation is no doubt primarily made in reference to the thesis running through her work that the new State, which consists in an ever-progressive integration, does not yet exist but is to be created, and her assertion at the same time that this new group is a complete social-psychological notion according to the so-called new psychology.¹⁴³ Such a reservation could therefore also have been made by Bosanquet against McDougall. As we have seen, the latter maintains a social ideal at the same time as he contends, like Miss Follett, that the »all-dominant influence of the idea of the nation» is not »a theory or a speculative suggestion», but »a literal and obvious fact».¹⁴⁴ It is clear, however, that when Bosanquet regards such a unity as metaphysical, he does not mean that it is metaphysical in the old natural-right sense. It is not a static ideal, but a dynamic one. It is already to some extent realized, and it must more or less enter as a necessary condition in every group that looks for a vigorous existence. But care must be taken not to overstress this ideal and thereby make it the chief object in the social-psychological exposition.

Although Bosanquet exhibits at times a certain tendency to delete the boundary between psychology and what he calls

¹⁴² Theory of State, p. LXII.

¹⁴³ Follett, op cit, pp. 52, 265, 274, 334.

¹⁴⁴ McDougall, op. cit, p. 163. Follett, op cit, p. 265. — If one makes the general will perfect, it is more correct to say with Windelband that it is »eine geschichtliche Aufgabe», not a »natürliche Tatsache» (Einleitung, p. 332)

metaphysic, he has taken a more correct methodological standpoint in the present question than McDougall and Miss Follett. Firstly, he is, as we have seen, conscious of the distinction between the actual social-psychological reality and the metaphysical ideal; secondly, he makes a more correct interpretation of the general will when he regards it as only partially self-conscious. A social group such as the nation can exist even if all its members are not fully conscious of the group as a whole. It suffices, as Bosanquet and Hobhouse point out, if the general will is reflected in the individual minds and engenders in the individuals a feeling, a tendency to something more than their private interests. It is such a tendency that renders possible the unity of the group, not the explicit consciousness of all the ends or purposes of the group.

4. What has thus far emerged from our analysis of McDougall's criticism of Bosanquet's conception of the general will would suggest that Bosanquet has overstressed the unconscious element in the general will. And in the first point we showed that McDougall disallowed the general will the designation will on the ground that it was unconscious. But in McDougall's criticism we shall now find another tendency that seems to point in the opposite direction, aimed as it is at showing that on account of his intellectualistic notion of will Bosanquet cannot give adequate account of the social will. »He totally ignores the existence and organisation of the conative side of the mind. His notion of volition is based upon the now discredited theory of ideo-motor action.»¹⁴⁵ Against this view McDougall sets up his own, according to which »ideas as merely intellectual representations or conceptions have no motive power». They must be attached to a sentiment in order to acquire this force. This applies not least of all to the group mind. »Hence national self-consciousness can never

¹⁴⁵ Op. cit., p. 164 n.

develop except in the form of an idea of strong affective tone. that is to say a sentiment». ¹⁴⁶

We find it difficult to avoid the suspicion that McDougall's criticism not only rests on a misinterpretation of Bosanquet's conception of will, but also contains within it a flagrant self-contradiction. On one occasion he accuses Bosanquet of making the general will impossible by defining it as a blind instinctive impulse and ignoring the fact that a truly volitional action must be related to the contemplation of some end; ¹⁴⁷ on another occasion he claims that Bosanquet cannot achieve a satisfactory account of the social will because he is »an uncompromising adherent to the intellectualist tradition» and ignores the conative side of the mind. ¹⁴⁸ If McDougall had meant that in Bosanquet it is the individual will that is intellectualistic, while the general will is instinctive, McDougall can be acquitted of the self-contradiction. But this he does not seem to have meant, seeing that, on one hand, he considers that the social will in Bosanquet is a consequence of the latter's conception of the individual will and that the idealistic theory asserted the State to be founded on reason; and, on the other hand, he cannot be unaware that the general will *qua* tendency actually is a will according to Bosanquet and that this tendency is not merely a social will but also a will in the individual.

The reason for McDougall's last remark, which is in conflict with the three preceding ones, is probably to be sought in Bosanquet's view of the will as rational. The same misinterpretation of the import of this notion of the will is also to be found in Hobhouse. But he proceeds more consistently in his criticism than McDougall, since he unvaryingly regards Bosanquet's general will as a conscious activity; moreover he takes a more tenable sociological standpoint, as he realizes that a

¹⁴⁶ Op. cit., p. 164.

¹⁴⁷ Op. cit., p. 154.

¹⁴⁸ Op. cit., p. 164 n.

member of a community cannot be fully conscious of the social totality. Therefore, when Bosanquet claims that true individuality lies in our real or rational will, Hobhouse retorts that human nature »is richer and more various than the conscious and deliberate will»,¹⁴⁹ and when Bosanquet makes the institutions of the State expressions of the rational will, Hobhouse asks: »How far, that is, are they the products of an intelligence that has clearly foreseen all their bearings?» His own view is that »many customs and institutions . . . have grown up in a detached, sporadic, unconscious, often unreasonable fashion».¹⁵⁰ Hence here Hobhouse's criticism runs directly contrary to McDougall's in the latter's first objections, but coincides with it in his last objection as far as that is about the general will as rational

The apparently insurmountable difficulty these two critics have in coping with Bosanquet's view of the general will springs from Bosanquet's regarding the will as a logical whole without making it conscious — for Bosanquet the will can be unconscious even though it is a logical system determined by one or more dominant ideas that are distinguished by their logical capacity. It consists in a certain, frequently unconscious attitude towards life, a disposition that has the power to determine the individual's acts in his daily life, such as when an individual's occupation sets its stamp on his attitude towards minor everyday questions. This tendency is governed by the individual's station in the community; it is »the factor of the general will operative in his mind».¹⁵¹ Hence there is no question here of any ideo-motor action, nor of a purely instinctive impulse, since this tendency at times attains a certain degree of consciousness, at times manifests itself in different conscious wills that are determined by the general tendency.

¹⁴⁹ Hobhouse, *op. cit.*, p. 71.

¹⁵⁰ *Op. cit.*, pp. 80, 81.

¹⁵¹ *Science and Phil.*, p. 263.

Just this tendency is a typical example of the general will as concrete, as a concrete universal. If the social will is rational and general, this does not imply that it is an *ideo-motor* activity, or that it is always conscious. The 'general' in the general will implies a concrete whole, a concrete universal, not something abstract, e. g. an abstraction of the ideas and interests common to the members of the community, or, as for instance Hobhouse expresses it: »The reality which the universal describes consists of indefinite numbers of individuals related by . . . more or less exact resemblance, and not by any substantive or causal continuity». ¹⁵² This does not accord with that notion of the concrete universal which we formed in an earlier chapter. Bosanquet does not deny that there are abstract universals that possess the distinctive character mentioned above, but they are not real. No set of similarities, but an organic or systematic whole, characterizes the concrete universal. A leaf, for instance, can be conceived both as an abstract and as a concrete notion. In the former case it is merely a collection of similarities, in the latter it is something individual. But as a concrete universal the leaf is less concrete than the tree, especially if it is regarded as possessing organic life, for only as part of the tree can it possess life. Conceived as isolated from the tree it would be merely an abstract notion, a fiction; it would lack the quality of being an individually living thing. It is the same, with the relation of the individual to the community. The individual conceived as isolated is less concrete than the community, for only through the latter is he fully determined. This reasoning comes out very clearly in Bradley when he says, »The 'individual' man, the man into whose essence his community with others does not enter, who does not include relation to others in his very being, is, we say, a fiction». ¹⁵³

This community with others is what according to Bosanquet manifests itself as a half unconscious tendency which.

¹⁵² Op. cit., p. 66.

¹⁵³ Op. cit., p. 168.

having the creative power of logically determining the individual's particular wills to a whole, constitutes the essence of the individual. If we assume, says Bosanquet, that a school was established of really great dramatists and that these could instil their ideas into the minds of a large bulk of the population, then we should have a tendency of one kind or another that would modify the »dominant notions as to the place of art in national life«. This tendency would then »enter into the active scheme or logical machine of social relations as a factor in the general will». ¹⁵⁴ In some this factor would be fully conscious, but in the majority it would be merely an unconscious tendency, which would nevertheless be capable of determining their wills.

Such a conception of the general will does not diverge so much from McDougall's and Hobhouse's view as one is perhaps at times inclined to think. Hobhouse speaks of social mentality as an active power that »affects the mind of each individual, calling forth one faculty and repressing another, and so modifies »the mental growth«. ¹⁵⁵ And McDougall illustrates the creative power of the group mind by an example very similar to that Bosanquet used. He shows how aesthetic education progresses parallel with the development of national self-consciousness. At first it was perhaps only a few wandering bards that provided for the aesthetic education of the people, but now the task is given to institutions, schools and academies of various kinds; the more these are developed the more intimate is their dependence on the life of the whole, and vice versa, »because the richer aesthetic development of the parts reacts upon the whole, diffusing itself through and elevating the life of the whole«. ¹⁵⁶ Is not this the same reasoning as we find in Bosanquet? According to him we have one single pervading life, the various parts of which co-operate in such manner that any

¹⁵⁴ Science and Phil., p. 263.

¹⁵⁵ Hobhouse, op. cit., p. 125.

¹⁵⁶ McDougall, op. cit., p. 157.

modification of one part organically affects all the other parts. And what else is meant by the statement that the aesthetic life diffuses itself through the life of the whole but what Bosanquet means when he speaks of a tendency that by virtue of its dominant idea draws other tendencies into its sphere of activity and gives this its colour? None the less, there are of course differences between Bosanquet and McDougall. The former does not regard this pervading life principally as something psychological, but as a logical whole. It therefore need not be fully conscious, as in virtue of its logical character it is a coherent unity. Further, while McDougall emphasizes the independence of individuals, Bosanquet has the single pervading life more in view and sees the minds of individuals as expressions of this life — though with a distinctive impress in different individuals. For all this, however, the difference need not be so great between the two views. If, as McDougall does, we regard the national mind not as a sum of all the individual minds, but as something more and something active that can react upon the individuals, then it ought to be very difficult to maintain that the community is merely an outcome of the individual. Of course, this does not necessarily rule out the individualistic view of ethics.

Lastly, there is a further and highly essential difference between McDougall and Bosanquet. The former speaks of a national mind the unity of which is only a partially realized ideal. It is admittedly also the same for Bosanquet, though he considers that this unity does not rest on a psychological basis, but on a metaphysical one. Hence the metaphysician Bosanquet can accuse his anti-metaphysical opponent of metaphysics, metaphysics so much the more dangerous as McDougall has unwittingly allowed it to come into his scientific system. For Bosanquet, on the other hand, the national mind, or the general will, is a concrete universal and hence also logical or metaphysical. But we have seen that according to the Bosanquetian system this logical unity is possible only as a lower degree of

the Absolute, as religious. Bosanquet has also applied this consequence to his social philosophy. Against Miss Follett, who makes the art of living together the highest end, he objects that social life presupposes a guide and criterion beyond its current activities. This «criterion of the social will» and «safeguard of patriotism» he finds in »life for and in the supreme positive values . . . because it is the only source of abiding satisfaction, and the only sure preventive of cupidity.¹⁵⁷ Here we have a very illuminating expression of Bosanquet's philosophy. No mere group mind (or national mind) as such can form a unity, as it can according to McDougall. Only the highest values, above all religion, can guarantee this unity and prevent it from disintegrating in consequence of private individual interests. Bosanquet accordingly goes entirely free from the charge that McDougall made against him of applying the laissez-faire method. Thus, according to Bosanquet, there can be no question of any harmony of intelligent self-interests. Only if man is permeated by the whole, by the Absolute, is the general will possible. It is a concrete universal, it is logical. Consequently, it is also ethical.

3. The Ethical Aspect.

We know that it was Rousseau who in recent times gave the impulse to the view of the social will or general will as ethical and as a necessary condition for man's ethical freedom. He committed, however, the inconsequence of also determining the general will as an abstraction of what is common to the wills of all, with the result that he could not consistently maintain the general will as »Will in itself»¹⁵⁸. For Kant the moral will was the same as practical reason; it was a will in itself, though not concrete. In Hegel this formal will had to

¹⁵⁷ Theory of State, p. LXII.

¹⁵⁸ An expression Bosanquet uses as synonymous with real will. Theory of State, p. 110.

give place to a concrete will: the community filled the abstract form with content. Duty for duty's sake was for Hegel, as we have seen, subjective morality which could not give ethical conduct a guide or criterion.

It was this thought that was taken up and elaborated by Bradley and Bosanquet, perhaps more lucidly by the former. Bosanquet's thesis ›to aim at duty for duty's sake means failure in morality‹¹⁵⁹ was developed more in detail by Bradley. According to him, ›duty for duty's sake‹ suffers from three faults: the universal is abstract, it is subjective, and it leaves a part of me outside. Only through my station and its duties in the community does the universal become concrete, objective, and leave no part of me outside; for the community gives duty content, the community with its institutions and laws forms an objective moral world, and we, as organs of this whole, as holders of a station in the community, can reach the goal of our ethical strivings, which does not consist in becoming ideal beings, but in following our vocation in the community.¹⁶⁰

These thoughts of ›my station and its duties‹ were of decisive importance for Bosanquet, and we probably make no mistake if we allege that this doctrine has laid the foundation for his theory of rights and made it easier for him to formulate a consistent ethical theory of the State. Although this idea of ›my station and its duties‹ is a continuous feature of Bosanquet's social philosophy, the term itself is not awarded here the prominent place it has in Bradley. It is replaced by ›the general will‹ — a term that is entirely absent from Bradley's philosophy —, and the specially ethical ideal for Bosanquet is ›the best life‹. We must analyse this notion before we can enter more fully upon the view of ›my station and its duties‹ in Bosanquet's political philosophy.

It will perhaps be urged against Bosanquet's ethical ideal, the best life, that it says too little to be capable of being made

¹⁵⁹ *Civilization of Christendom*, p. 329.

¹⁶⁰ *Ethical Studies*, pp. 175 ff.

the basis of an ethical system. The difficulties arise when what is meant by 'the best life' has to be elucidated, and it is at this point that opinions diverge. But just as in all other provinces of Bosanquet's philosophy, 'so is it also here logical wholeness or logical completeness that must be taken as the fundamental principle. 'The difficulty of defining the best life does not trouble us, because we rely throughout on the fundamental logic of human nature *qua* rational'.¹⁶¹ He considers that he cannot state in 'detail what this logical principle represents, just as little as a theory of knowledge can say what is true or false in the particular case; the only thing that a theory of knowledge can state is how something ought to be in order to be true. The same condition also applies to the good. 'What we mean by 'good' and 'truth' is practical and theoretical experience in so far as the logic which underlies man's whole nature permits him to repose in it. And the best life is the life which has most of this general character — the character which, so far as realized, satisfies the fundamental logic of man's capacities.'¹⁶² That the individual as isolated does not fulfil this demand, has been brought out plainly enough earlier in this work. It is only the real will that can lay claim to being a logical system. But this will is moulded by the influence exercised on us by the community. It is the community that has also created the imperative claim. Therefore, when we act morally, we rise above our private self to a higher whole, the objective moral world, the community and its institutions. The real will and the general will are, as we have seen, identical. If the former is ethical, the latter must also possess the same quality. And in the definition that Bosanquet, following Rousseau, made of the general will, this character stands out very prominently: 'The General Will seems to be, in the last resort, the ineradicable impulse of an intelligent being to a good

¹⁶¹ Theory of State, p. 169

¹⁶² Loc. cit.

extending beyond itself, in as far as that good takes the form of a common good.¹⁶³

This definition is no complete determination of the general will. The embodiment of the will in the institutions of the community has been entirely ignored, which ought not to surprise us, as Bosanquet has primarily had Rousseau's conception in mind. At times, though, he himself uses the general will in a vaguer sense. For instance, in one place he says: »Where two or three are gathered together with any degree of common experience and co-operation, there is *pro tanto* a general will».¹⁶⁴ A material correlate to this general will is difficult to discover, as this will appears to be merely an abstraction of what is common to several wills. If one presses Bosanquet's conceptions, one can go still further and object that there is here no durable logical organization of the ideas of the several persons and that this will does not aim at a common good. It can equally well be a casual formation, e. g. in the case of two bandit-chiefs entering into an alliance for the more effective exercise of their profession. There can then be no question of a general will in the sense Bosanquet has previously accepted this notion, however high the degree of common experience and co-operation. But probably Bosanquet means here co-operation for a social or common good;¹⁶⁵ the ethical import has then gained the ascendancy and Bosanquet's real view has been overshadowed, viz. the view that only the Nation-State can fulfil all the conditions that are necessary to enable a community to possess the general will, for only there have we a firmly established system of institutions, customs, and traditions. And only from this point of view can there be full meaning in making the general will and »my station and its duties» equivalent terms.

¹⁶³ Op cit, p. 102

¹⁶⁴ Op. cit., p. XXIX.

¹⁶⁵ Cf. Essays and Addresses, p 121.

We have already seen that ›our stations› form the same logical whole as the general will. Proceeding from a more ethical point of view, which he admits is merely an attempt to popularize Bradley's theory,¹⁶⁶ Bosanquet sums up his theory in two points: Our station and its duties (1) ›tells us what to do» and (2) ›gives the reason for doing what we ought to do». ¹⁶⁷

1. ›Our station and its duties is the heart and spirit of our own little life». An individual cannot exist as individual without some station. It is this that gives him duties and interests in life, and without it a man is ›like a boat without sail or helm». ¹⁶⁸ As it is our place in the whole, it is an expression of the good will, and as an expression of this it indicates what we ought to do in order to act rightly in our special position. This theory of my station's duties is, as is more especially to be seen in Bradley, also in Bosanquet a revolt against Kant's formal moral law, which could not be particularized. He can therefore say: ›I know well enough what *I* ought to do; but it is very difficult to talk about what other people ought to do, because one does not know the ins and outs of their station». ¹⁶⁹

2. But our station with its duties not merely gives us something to do or shows what we ought to do, but also gives ›the reason for doing what we ought to do» and ›makes us feel that what we do is right». ¹⁷⁰ Our station is the good will particularized in us, and as the good will is our innermost and real will. ›the heart and spirit of our life», it is our own will that acts in us when we do what the good will enjoins us to do. ›On the one hand, the good will is ourself; and on the other hand, it is the common aim and spirit of society and of mankind. The goodness of our own particular private will consists in grasping

¹⁶⁶ Essays and Addresses, p. 116 n.

¹⁶⁷ Op. cit., p. 117.

¹⁶⁸ Loc. cit.

¹⁶⁹ Op. cit., p. 119.

¹⁷⁰ Op. cit., p. 120.

this common aim and spirit, and applying it in the particular duties of our daily life, which gains all its reality and vigour from its particular form of this aim or purpose.»¹⁷¹

Perhaps there will now be an inclination to object. Can such an 'ideal' really satisfy man? Does this really represent man's highest strivings? Here as elsewhere in his philosophy Bradley takes up — in spite of his being the chief representative of this theory — a more critical attitude towards the contradictions than Bosanquet. Thus Bradley points out that »my station and its duties» has not been capable of bridging over the opposition between »ought» and »is». 1. There is still opposition both between the good and the evil will in man and between the good and the imperfect in the community. 2. Man cannot limit himself to the present moral world, for, firstly, this is a state of historical development and consequently contradictory, secondly, there is cosmopolitan morality. 3. Man's ethical ideal is not merely a perfect social being, since the production of truth and beauty need not belong here.¹⁷² Only through religion and in the Absolute can these imperfections be abolished.¹⁷³

Bosanquet also shares this view of course, but as a rule he is more willing than Bradley to accept actual reality. It is contradictory, to be sure, but it is the only possible way in which religion and the Absolute can be revealed to us, just as

¹⁷¹ Op. cit., p. 121. We may here draw attention to the fact that this theory is not exclusively characteristic of the universalistic conception of the State. We have seen it in Hågerstrom when he attributes the formation of the moral imperative to the influence of the community. And Durkheim gives clear and distinct expression to the »universalistic» mode of thought when he says that society »est nous-même, en un sens, et la meilleure partie de nous-même, puisque l'homme n'est un homme que dans la mesure où il est civilisé» and »vouloir la société, c'est, d'une part, vouloir quelque chose qui nous dépasse, mais c'est en même temps nous vouloir nous-même» (Philosophie et Sociologie, pp. 79 f.)

¹⁷² Ethical Studies, pp. 203—205.

¹⁷³ Op. cit., p. 335.

on the other side it is religion that makes «my station and its duties» possible. Therefore Bosanquet can say with the Church Catechism that my station is ›to do my duty in that state of life to which it *shall* please God to call me». ¹⁷⁴ This distinctly shows that by ›station» Bosanquet does not merely mean a person's ›trade», but what in a religious sense is designated ›call», to which of course a person's ›trade» belongs. To our station belong according to Bosanquet, for instance, ›the simple duties of honesty and thoroughness in all work», ›wise and painstaking help of our neighbours», ›the attempt to make the tone of our society a little higher, more full of real interests, more free from vice and vulgarity». ¹⁷⁵ It cannot accordingly be urged here that the ideal ›my station and its duties» is static, i. e. means that we should be content with our lot however imperfect the community may be. We must try ›to be better and to do better», and by and through this endeavour we are carrying out ›the higher mind of society». Here also emerges at the same time one of the most essential ideas in universalistic social philosophy. The ideal we strive after must not be ›a whim of our own vanity». It must be a social ideal that grows out of something real. ›Thus a great nation, such as England, is a living real purpose, which exists, and prescribes our ideal to us. To-day is real and to-morrow is ideal, but you cannot draw a line between them. Our own life, and still more the life of a nation, is something that goes beyond the present moment.» ¹⁷⁶ This view is ultimately merely a consequence of Bosanquet's theory of the relation between the actual will and the real will. The latter must be rooted in the former and, when we strive for the common good, we are making our actual will harmonious, i. e. making it a part of the real will. Further, the view of ›my station» is also a consequence of Bosanquet's notion of freedom. True freedom consists not ›in an indefinite

¹⁷⁴ Science and Phil, p. 282.

¹⁷⁵ Essays and Addresses, p. 119.

¹⁷⁶ Op. cit., p. 122.

range of possible selection», but »in making the best of what we have». We cannot get away from immutably given facts, e. g. our parentage and our birthplace, therefore our task must chiefly be to adapt our capacity to our vocation and allow this to be determined by our spirit and temper.¹⁷⁷

d. The State as Ethical Unity.

1 State and Society.

We have seen that McDougall appreciates Bradley more highly than Bosanquet, although they both belong to the same idealistic philosophy. As one of the reasons for this we have referred to Bosanquet's Hegelian terminology. We can doubtless, without committing an error, also assign as a reason the fact that in Bradley's exposition society came to occupy the foreground more than in Bosanquet. Bradley's »my station and its duties» is more a social notion than a political one. It is therefore quite natural that an individualistic critic should have been milder here in his censure, for it has become an established thing in modern sociology to look upon society as a necessary condition for moral life. This ethical point of view, in fact, underlies the tendency of the individualists to draw a sharp line of demarcation between the State and society, even if they do not always go so far as, e. g., Spencer. It is accordingly but natural that Hobhouse, from his individualistic starting-point in the metaphysical theory of the State, should find its central fallacy in the tendency to »confuse the state with society and political with moral obligation».¹⁷⁸

It is true that the universalists seek to preserve the connexion between the State and society, but this need not imply an identification, least of all a confusion. That Bradley went very far towards an identification, we do not deny. There is

¹⁷⁷ Science and Phil, p. 282.

¹⁷⁸ Op cit, p. 77

a similar tendency in Bosanquet, although he made the social »political«, while Bradley made the political »social«. No doubt this is one of the reasons that led McDougall to regard Bosanquet as a political absolutist *par excellence*. But even if Bosanquet seems to obliterate the boundary between these two concepts, his explicit view implies no identification of the State and society.¹⁷⁹ He opposes Miss Follett's elimination of State coercion — one of his two reservations against her work — just as much as he does Spencer's anti-governmental theory. In our foregoing exposition we have therefore ignored the tendencies in the other direction: Where Bosanquet has employed »the State and society«, we have frequently contented ourselves with only »society« to avoid giving rise to misinterpretations of his theory, as otherwise the idea might easily have been given that according to Bosanquet »State« and »society« are equivalent terms.

As a matter of fact, Bosanquet shares with the individualists the view of the State as an external compulsive power, a view that he seems unvaryingly to maintain in all his writings. For him the State is »Society as a unit, recognised as rightly exercising control over its members through absolute physical power«.¹⁸⁰ Of course, this does not necessarily imply that there is an absolute boundary between the State and society. According to him the characteristics of society »pass gradually into those of the State«.¹⁸¹ He says in one place that society is »the same body as the State, but *minus* the attribute of exercising what is in the last resort absolute physical compulsion«.¹⁸² As this power is a »rightly« or »lawfully« exercising force of

¹⁷⁹ »We may distinguish State and Society, as Hegel and Bosanquet in different ways seek to do; what we cannot do, and what neither Hegel nor Bosanquet attempts to do is to bifurcate the two« (Barker, *op. cit.*, p. 119)

¹⁸⁰ *Theory of State*, p. 172

¹⁸¹ *Op. cit.*, p. 173.

¹⁸² *Principle*, p. 311 n.

society, we find in Bosanquet's definition of the State the two elements, the sociological and the juridical, that in the first chapter we regarded as necessary for an «empirical» conception of the State. The question to which of these we are to refer the attribute »absolute» — or perhaps we can say »sovereignty» — will be considered later on.

The definitions mentioned of the State do not however present a complete picture of Bosanquet's conception of the State, for what interests Bosanquet most is the philosophical or ethico-normative aspect. I understand by the state the power which, as the organ of a community, has the function of maintaining the external conditions necessary to the best life.¹⁸³ From the foregoing we know that the best life, which according to Bosanquet is the highest value, is defined as the fundamental logic of will. What we therefore have now to show is that the absolute coercive power that the State represents does not prejudice the logical wholeness of the real or general will, but that, on the contrary, it is necessary for society and the best life. In this and the next section, however, we shall take up only the more external attitude of the State to society and the best life, supplementing this in the two following sections with an analysis of the more intimate relation of the State to the individual and to a Super-State society respectively.

It is alleged that compulsion is not *in pari materia* with the ethical life of the individual, that compulsion can even bring this life into danger. The activity of the State ought therefore to be restricted to »securing the performance of external actions».¹⁸⁴ But we must not forget that the State also partly uses, so to speak, spiritual means to influence the individual, and produces in him a tendency to act in a certain way and hence also the very acts themselves. Whether this tendency

¹⁸³ Ideals, p. 271.

¹⁸⁴ Theory of State, p. 175.

has proceeded from high or low motives, does not concern the State. This is why the activity of the State ought to be confined to inducing the individual to acts that it is better to perform, whatever the motive, than not to perform at all.¹⁸⁵ And, further, there are acts which can prejudice the best life and which the State can use its authority to prevent. Here it becomes the task of the State to act as a hindrance of hindrances to the best life or common good, and a compulsion that checks or weakens compulsion hostile to true freedom can be regarded as positive from a certain point of view. It can therefore be said that »State action is negative in its immediate bearing, though positive both in its actual doings and its ultimate purpose».¹⁸⁶ The State *qua* power, compulsion, need not therefore encroach upon the ethical development of the individual, but may promote it instead by being a hindrance of hindrances. But even if the function of the State is restricted to checking hindrances to the best life, the State is none the less necessary in a community. Human beings are not purely rational beings that can live together in peace and harmony. Conflicting claims are inevitable, and unless there is a supreme authority equipped with the necessary power, justifiable claims will run the risk of not becoming rights, since society does not possess enough power to recognize them. Concomitantly all morality would be excluded, for only the arbitrary claims of the several individuals would then come to rule as the highest norms. To preclude such a state of things, the community must possess coercive power over its members. »Without such a power — — there can be no ultimate and effective adjustment of the claims of the individuals, and of the various social groups in which individuals are involved.»¹⁸⁷

The State, however, is not a mere coercive organization. It has also a more »social» side that comprises »material condi-

¹⁸⁵ Op. cit., pp. 176 f.

¹⁸⁶ Op. cit., p. 178.

¹⁸⁷ Op. cit., pp. 172 f.

tions which come close to life, such as houses, wages, educational apparatus». ¹⁸⁸ The function of the State here is wholly positive, for it sustains the ethical self-determination of the individual. This element of State activity is possible because man's mind is so intimately bound up with »its embodiments in material things», ¹⁸⁹ as we have strongly emphasized before. The moral will is not merely something inward, not merely abstract »Moralität», but also concrete »Sittlichkeit». To it belong the organized institutions of the community, such as schools, libraries, museums, almshouses, etc. Such establishments are not directly connected with the coercive power of the State, but have their root in the ethical mind of the citizens. Just in virtue of the very fact that these material things are so »charged with mind and will» they cannot be directly »accessible to State compulsion», for then they would lose their character of elements in the best life. ¹⁹⁰ There is, for instance, but little use in compelling anyone to go to museums, to study at a university, etc.

Thus, for Bosanquet, the State is something more than a so-called »Rechtsstaat» — the mere maintenance of an order. It is also a cultural and welfare institution with ethical ends. In this it differs from the State as conceived by extreme individualism. It is however a question whether there is any essential difference between Bosanquet's view, as we have outlined it above, and that of the more moderate individualists. The latter took cognizance of not merely the State as »Rechtsstaat», but also of the social side. In what, then, does the difference lie between Bosanquet's universalistic und the moderate individualistic doctrines? We can doubtless agree that it is not principally to be sought in the sociological or the juridical element, nor in the fact that the State has a certain limited task in the ethical life of the individual, but in the different interpretations

¹⁸⁸ Op. cit., pp. 183 f

¹⁸⁹ Op. cit., p. 183

¹⁹⁰ Op. cit., pp. 184 f.

of what man's ethical life implies and what constitutes its necessary basis. It is only from such a point of view that we can understand how the State can have a positive function for Bosanquet in spite of his most emphatic affirmation that the distinctive action of the State has its root in the »stern and negative side»¹⁹¹ of the community and that its end is »hindrance of hindrances».

Moral life must possess reality, i. e. it must also have an outward side. Therefore Bosanquet did not regard the real will as an abstract ideal, but as the general will embodied in the institutions and laws of the State. Moral life must have a finite side, as Hegel expresses it. But as a result it becomes involved in the conflicts and contradictions that prevail in the finite world. The task of the State is therefore to adjust the conflicting claims of the individuals. Hence the State is as necessary as the outward side of moral life; indeed, we could say as the reality of morality. We need not be straining Bosanquet's conception if we say that there can no more be a moral life without the outward side, the State, than the development of the soul can be conceived as gradually making the body unnecessary. This is diametrically opposed to Spencer's individualism, and also, as we shall see later, to a large extent to Hobhouse's.

With that the actual ground is given that enables Bosanquet to unite the view of the State as the negative side of the community, thus only indirectly, through external actions, an acting power, and the view of the State as an expression of the general will, as an imperative compelling man to be free. It is evident that the ground for uniting these two theses is very weak. If man's real self consists in freedom, and the power of the State can make the individual free, cannot the State be spoken of as a direct promoter of moral life and not merely as a hindrance of hindrances to this life? And how

¹⁹¹ Op cit, p. LXI.

does this agree with such an utterance as »every act done by the public power has one aspect of encroachment, however slight, on the sphere of character and intelligence»?¹⁹² Bosanquet acknowledges the difficulty, but he claims that »this *prima facie* contradiction is really a proof of the vitality of our principle».¹⁹³ According to him this vitality has its source in self-government, when its two factors are taken in full strength. It would mean more or less what McDougall considers the necessary condition for the 'Nation-State: our consciousness of and our loyalty to the community as a whole. Hence for Bosanquet self-government in its full sense is only possible when the State is a full expression of the general will. As our real self is identical with this general will, the constraint exercised by the State is merely the constraint on what in us is »recalcitrant through rebellion, indolence, incompetence, or ignorance». Thus the constraint comes to us »as something which claims to be ourself, but which, for the moment, we more or less fail to recognise».¹⁹⁴ Even if the constraint operates negatively in the sense that it suppresses our unintelligent self, it acts positively by giving freedom to our real self. But perhaps someone will object that such a constraint, in spite of its being directed only against our casual and fragmentary self, does not ensure us any freedom, for this can only be attained by us through self-development, or at least only when we meet this constraint as a social suggestion we spontaneously rise to accept.

For Bosanquet, however, it is possible to draw another conclusion because of the concrete notion of freedom we have seen him assert. From the sketch we have previously given of this notion we will here draw the consequences for legislative compulsion.

Liberty is not absence of determinations established by ex-

¹⁹² Op. cit., p. 179.

¹⁹³ Op. cit., p. 186.

¹⁹⁴ Op. cit., p. 187.

ternal formative forces, but »has grown up within the positive determinations of life.¹⁹⁵ The demand for completer liberty can therefore go hand-in-hand with the desire for more thorough-going legislation.¹⁹⁶ For the anti-governmental theorists, e. g. Spencer, the ideal consisted in the largest possible liberty of individual acts, and they thought that social evolution pointed in the direction of this ideal, as the hard patriarchal authority of the military State was in process of dissolution before the advance of the industrial State. Bosanquet objected here that although present social evolution certainly shows an increase of liberty, this does not mean that it must at the same time show a decrease of restriction.¹⁹⁷ Liberty is of qualitative character and therefore liberty and legislation do not stand in inverse ratio to each other. It is only at first sight that it seems a paradox to say »the more liberty the more restriction, and vice versa. But there are many examples which show that this »paradox« is the actual reality of life. Compare life to, e. g., a tree, says Bosanquet, and »liberty might then be expressed as the access of the leaves to light and air, and restriction or compulsion might be typified by the strong fixtures of the stem and branches»¹⁹⁸ We can also illustrate this theory of Bosanquet's with what we mentioned in another context, viz. that school education was of value to the child even if it was felt to be an intolerable restraint. The State educates the child to liberty by means of restraint. The mind of the child gets, so to speak, more determinations by widening its mental horizon. An uneducated child has certainly been subjected to less organized restraint, but is such a child for this reason more free? It may even succumb under the constraints of the external world sooner than the child that has learnt through organized restraint to control itself and its environment

¹⁹⁵ Op. cit., p. 181.

¹⁹⁶ Civilization of Christendom, p. 358.

¹⁹⁷ Op. cit., p. 365.

¹⁹⁸ Op. cit., p. 366.

This example also gives us a necessary characteristic of liberty in its universalistic interpretation, for we must not neglect to emphasize order as an important, perhaps the most important, character of this liberty. School compulsion could not, of course, be a means to liberty if "it were arbitrary or involved methods that deranged the development of the child mind. The aim is not merely to make life as many-sided as possible, but also to make it rational. Bosanquet therefore attributes two characteristics to liberty: comprehensiveness and rationality.¹⁹⁹ Just because present social evolution is proceeding in the direction of the realization of these two qualities, it is possible to speak at the same time of an increased liberty and an increased compulsion. Through legal conveyance and contract, which permeate all the relations of civilized life, the modern State has provided the conditions essential for the existence of liberty. And our manufacturing, commercial and educational systems have received the sanction of the State, and it »is quite impossible that completely new outgrowths of civilization or complete transformations of our mode of doing business should fail to be registered under a social sanction».²⁰⁰ At the same time compulsion has grown into rationality. It is adapted to life's own laws, »to the particular definite shape and balance of civilized life, so as to support it, and not interfere with it».²⁰¹ If a gardener — Bosanquet points out in one example — lops and tends a tree to make it grow vigorous and beautiful, and props up its branches to make them grow in a certain direction, he must do this in the proper way in order to avoid injuring the tree. Similarly, legislative compulsion must set in at the right point, so that it supports the reasonableness or equilibrium proper to life and society.²⁰² In what this social rationality consists, has already been stated.

¹⁹⁹ Op. cit., p. 368.

²⁰⁰ Op. cit., p. 371

²⁰¹ Op. cit., pp. 374 f

²⁰² Op. cit., p. 373

«My station and its duties» is the expression of this rationality. State compulsion, if it is to be rational, must guarantee the individual his station, i. e. maintain and recognize those claims the individual has to the external conditions necessary for his fulfilment of the duties of his station. But with this we have passed to another problem in Bosanquet's political philosophy, a problem that represents one of the great differences between the individualistic and universalistic views of the State, namely the question of man's rights.

In Green we experienced some difficulty in reconciling the moral and legal aspects of rights. A slave had moral rights founded on his social relations to his equals, but they were not recognized by law. Can there thus be rights independent of whether they are recognized by a legal system, or perhaps even independent of whether they are recognized at all? It was difficult to find a satisfactory answer in Green. The same applies to Bosanquet's system. According to this a right in the fullest sense can exist only if it combines the moral and legal aspects into a unit: »It both is, and ought to be, capable of being enforced at law.« »Rights then are claims recognized by the State ... to the maintenance of conditions favourable to the best life.«²⁰³ The best life consists in discharging the duties imposed on us by our stations or positions in the community, for only then can we become an organic part of the general will and common good. But these duties now give us claims upon the community to hinder obstacles in the way of their fulfilment. These claims are our rights. »All rights, then, are powers instrumental to making the best of human capacities, and can only be recognised or exercised upon this ground.«²⁰⁴ The moral aspect stands clearly out here. Hence rights depend for their existence both on being recognized by the State and on being recognized because of their moral character. But why must they be recog-

²⁰³ Theory of State, p. 188.

²⁰⁴ Op cit., p. 195.

nized at all? Bosanquet poses the question thus: »If we deny that there can be unrecognized rights, do we not surrender human freedom to despotism or to popular caprice?»²⁰⁵

When Bosanquet answers this question he seems to take into account merely social recognition, not State, and thus it cannot be fully elicited how he avoids State despotism. Bosanquet's reasoning might be roughly put thus:²⁰⁶ Our station imposes on us certain duties and obligations, which are dictated by the imperative that the logic of the whole or the general will constitutes. As this imperative is our real self, it comes to us as a part of ourselves, and we are said to »recognize» anything when we feel that we are familiar with it. Hence we accord our recognition to the general will, which, from one point of view, has its roots in the interdependence of minds, in a social nexus of relations. As this is a logical whole, it gives every part its right place in the whole. In this wise we also recognize one another's positions or stations in the community, i. e. we recognize them as means to the common good. Bosanquet's conclusion can therefore be: »Thus, then, a right, being a power secured in order to fill a position, is simply a part of the fact that such a position is recognized as instrumental to the common good», for »in so far as minds are united into a single system by their attitudes towards each other, their 'positions' and the recognition of them are one and the same thing».²⁰⁷ Recognitions are consequently a matter of logic, not of fancies and wishes. Perhaps we could make Bosanquet's meaning clearer by saying that if our moral duty is founded on our position in a logical whole, it is naturally impossible for us to have outside this any rights or any moral duties: we should otherwise, so to speak, be a contradiction in the logical system itself.

²⁰⁵ Loc. cit

²⁰⁶ Op. cit., pp. 195—201.

²⁰⁷ Op. cit., p. 196.

Now what place has the State in this system? Is it not sufficient for the rights to be recognized by society, so that if, for instance, a despotic State refuses to sanction what a majority of its members regard as a necessary condition of the common good, this can nevertheless be regarded as a recognized right? Bosanquet is very obscure in this crucial point. This is probably due in part to the fact that in his treatment of rights he starts, as he says, from self-government in the full strength of both its factors.²⁰⁸ But from this it must not be assumed that Bosanquet means that rights in the fullest sense exist only in a State where democratic self-government exists. In one of his essays in »Social and International Ideals» he says, for instance, that »if force is applied to break through to the latent unity and realise the full powers of the group, its members will not be more aggrieved than somebody always is under the most reasonable self-government»²⁰⁸ Here there could thus be rights that were both moral, i. e. aiming at a common good, and legal, i. e. recognized by the State, though without being recognized by society *qua* totality of its members or a majority of them. But this capacity can devolve on the State only if its power is justified. »The force is justified or not, and on the whole is justified or not even for those subjected to it, according as it breaks through to a life worth living ... or fails to do so.»²⁰⁹ But if it is morality that justifies the force, and this in its turn is the ground on which the rights rest, will not the rights rest in the last resort solely on the moral sanction? In a certain sense this conclusion is correct, since the State is an expression of the general will, but it must not be forgotten that the State *qua* power is also a necessary condition for the objective moral world. Hence we have here a reciprocal relation. If force cannot be justified, then — and such an interpretation no doubt comes rather close to Bosanquet's view —

²⁰⁸ Ideals, p. 268.

²⁰⁹ Loc. cit.; Cf. Green, Political Obligation, § 94.

there are here no rights in the fullest sense, either for rulers or oppressed: the rights of the former lack the moral aspect, those of the latter the legal aspect. The State or society falls short of being what it professes to be, an organ of good life, but notwithstanding this the oppressed have no right until they have been able to modify the law. But how can they do this in a despotic State except by revolt? Bosanquet seems here to approximate to Green's standpoint, and regards the individual's duty to revolt as a »social duty»,²¹⁰ although he does not make any direct statement as to when it is the individual's duty to rebel. He merely says that in a State where the law can be amended by a constitutional process, there can exist no such duty, and in other cases »we have to set the whole value of the existence of social order against the importance of the matter in which we think Society defective»,²¹¹ — as we see, the same idea as in Green.

From what has been adduced in this section we shall especially fasten upon two thoughts as characteristic of universalistic political philosophy.

1. Bosanquet regards the State as a necessary basis for society. The utopia of a future non-governmental community, which is so liable to creep into individualistic political theory, was vigorously repudiated by Bosanquet. Society could not exist without being held together by a supreme power, the State. Here he stands on the same line as modern political theory. For instance, Kelsen contends that collectivistic anarchism — which we have seen Spencer set as his ideal and which has also been advanced by Engels and Lenin — cannot escape getting a compulsive element in the community, since it does not hold a possible conflict between the postulated order and the private members of the community to be excluded.²¹²

²¹⁰ *Ideals*, p. 281.

²¹¹ *Theory of State*, p. 199

²¹² *Staatslehre*, p. 30

2. Bosanquet has bridged the chasm between might and right. In our exposition of the Power-State idea we showed how difficult it was to combine the State as wielder of supreme power and the State as guardian of the individual's rights. According to Bosanquet, rights must be both moral and legal to be rights in the fullest sense: without external adjustment and sustainment they would possess merely an internal side and hence not be fully real, and without the moral aspect the power would be arbitrary. The Swedish political theorist Kjellén has expressed this argument thus, that through its power the State gives the community or the nation »rational rein». ²¹³ This idea constantly recurs in the Neo-Idealism of both England and Italy. ²¹⁴ Whether it is this external power, or the general will, that is regarded by Bosanquet as the sovereign power in the community, will now demand our attention.

2. The State as Sovereign Power.

In his view of the sovereignty of the State Bosanquet stands closer to Rousseau than to his idealistic predecessors. »Sovereignty is the exercise of the General Will» ²¹⁵ probably expresses his view best, and here his kinship with the thinker from Geneva also becomes apparent. However, Bosanquet does not seem to have given the problem of sovereignty any place of its own in his exposition, having treated it, as it were, here and there in passing. To avoid too fragmentary an exposition of his conception of sovereignty, we shall try to present a clearer view of it by inserting it in a wider connexion. We shall especially consider the consequences that can be drawn from his scattered utterances and from his political philosophy in general as well as the views of those to whom Bosanquet

²¹³ Op. cit., p. 113.

²¹⁴ Bradley, op. cit., p. 184, Croce, *Grundlagen der Politik*, Munch, 1929, pp. 11 f.

²¹⁵ *Theory of State*, p. 216; cf. *Contrat Social* 1:6.

refers or who stand near him. It is of great importance for us to get a tolerably clear view of what is essential in this notion, since it lies at the foundation of one of the most contested problems in Bosanquet's political philosophy: Is the State — and only the State — as sovereign power always an expression of the general will?

In our introductory chapter we set forth three different but necessary aspects of the State — the juridical, the sociological, and the ethico-normative — and we intimated that the notion of sovereignty, too, can be seen from these different points of view. From the juridical point of view, sovereignty is the unity of the legal system or the supreme source of laws; from the sociological point of view, sovereignty is the *de facto* supreme authority in the community; from the ethico-normative, sovereignty is the Ethical System. A theory of sovereignty therefore has to answer three questions, which with Lindsay we can formulate as follows. The juridical: »what is the mark of these rules which the courts enforce and are called law?» The sociological: »whence does all this system of law get its authority?» The ethical: »why should we obey the sovereign?»²¹⁶

Now what attitude does Bosanquet take to these different aspects of sovereignty? At first sight he seems to attach himself fully and only to an ethico-normative conception of sovereignty and to dissociate himself from especially the juridical conception as too abstract for a concrete philosophy of the State. Following Miss Follett he accordingly asserts »the diametrical and fundamental contrast between Austinian sovereignty, the sovereignty that is contemplated by legal experts, and the sovereignty contemplated by such a theory as ours»²¹⁷ Here Lindsay rightly says it is owing to a confusion that Bosanquet believes his theory to be the opposite of Austin's, a confusion that arises from his entirely disregarding the

²¹⁶ Arist. Soc., Suppl. Vol. VIII, p. 33

²¹⁷ Theory of State, p. LV.; cf. p. 88.

juridical side of the State²¹⁸ Bosanquet ought here to have paid more regard to his idealistic forerunners, e g. Green and Ritchie, and not so much to Rousseau, for then he could have given this problem an all-round treatment. It is especially surprising that Bosanquet has made himself so independent of Green, whose exposition of sovereignty belongs to one of the most powerful portions of his political work. Green has endeavoured to establish a synthesis of the three notions of sovereignty, and has successfully weighed the Austinian theory against Rousseau's as well as *de jure* sovereignty against *de facto*.

In our exposition of Green's political philosophy we intimated that according to Austin the sovereign was the superior whose will is habitually obeyed. According to Green this conception of sovereignty differs from Rousseau's in that it only recognizes sovereignty in a *determinate* person or persons and that it considers the essence of sovereignty to lie in the power to put compulsion without a limit on subjects. Rousseau, on the other hand, ascribed sovereignty to the whole body of subject citizens and assumed it to be founded on will, not on unlimited power²¹⁹ But in spite of this opposition between Austin and Rousseau, Green does not — as Bosanquet does — regard them as incompatible. They supplement each other. A fully developed State implies a definite supreme source of laws, and to that extent Austin is right as against Rousseau; but, if by sovereign we mean the real determinant of the habitual obedience of the people, it must be sought in the general will, for a particular person or particular persons can possess power only if there are general interests in the maintenance of this power.²²⁰ Therefore Green prefers to say that the sovereign is

²¹⁸ Lindsay, *op. cit.*, p. 41.

²¹⁹ Political Obligation, § 83, Cf. *Contrat Social*, II: 1

²²⁰ *Op. cit.*, §§ 85 ff.

the expression of the general will rather than that the general will is the sovereign.²²¹

Bosanquet, however, disconnects himself completely from Austin's conception of sovereignty and accepts only Rousseau's, viz. that sovereignty is the exercise of the general will. But he differs from Rousseau in two respects. Firstly, according to Bosanquet, Rousseau glides into an abstract and fictive conception of sovereignty when he considers that the sovereign always acts according to its idea as a whole and can never commit a wrong. According to Bosanquet this would imply that Rousseau *ab initio* defines the State as wise and good, and then it is obviously merely a tautological conclusion that the sovereign cannot commit any unjust act. For Bosanquet, on the other hand, the whole is »liable to vices correlative to those which . . . arise in the individual».²²² What ought to be observed here is that Bosanquet does not make the State or sovereign perfectly wise and good, although his critics often accuse him of doing so.

Secondly, Rousseau regards the people as sovereign. Bosanquet, however, goes further in his adverseness to allowing sovereignty to belong to particular persons, and founds it on the whole as such, »Sovereignty resides only in the organised whole acting *qua* organised whole».²²³ This sovereign power has only that force which the general will brings out by its imperative, »The imperative claim of the will that will itself is our own inmost nature, and we cannot throw it off. This

²²¹ Op. cit., § 94. Green's view is also largely shared by his pupil Ritchie, although the latter more strongly accentuates that Hobbes' and Austin's theory of sovereignty is abstract and that Rousseau's contains a greater truth. Notwithstanding this, however, Ritchie does not call into question the justification of accepting a legal sovereign (Principles of State Interference, p. 68). Ritchie distinguishes, in fact, between three notions of sovereignty: the nominal (e.g. the king's power), the legal (Parliament) and the political (the general will) (op. cit., p. 164).

²²² Theory of State, pp. 88 f.

²²³ Op. cit., pp. LV, 262.

is the ultimate root of political obligation.²²⁴ This thought can be made clearer, by saying that it is the collective will which is both the moral and the political imperative. Especially has this been asserted by Miss Follett, whose development of the conception of sovereignty is regarded by Bosanquet as an elucidation of his own doctrine.²²⁵ Thus she shows that there is no difference in kind between the individual as sovereign over himself, when he unifies the heterogeneous elements of his nature, and the sovereignty of the State, when it has power to create »one out of many», »one in which all are».²²⁶ Hence, as for Bosanquet, so also for her, unity is the decisive factor.

With reference to the character of this unity, we must not omit to point out that according to Miss Follett sovereignty is a psychological and sociological fact, and that it is dynamic, must be grown through our creative power. These two points of view seem to have been more stressed by Bosanquet in his introduction to the 1919 edition of »The Philosophical Theory of the State», perhaps under the influence of Miss Follett. For instance, he quotes with approbation the following passage, which especially emphasizes the character sovereignty has of a moral imperative of a psychological nature: »Five people produce a collective idea, a collective will. That will becomes at once an imperative upon those five people. It is not an imperative upon any one else. On the other hand no one else can make imperatives for those five people. It has been generated by the social process which is a self-sufficing, all-inclusive process ... Self-government must always be grown. Sovereignty is always a psychological process.»²²⁷ Therefore it can be regarded as a natural consequence to say that »the present state has no 'right' to sovereignty».²²⁸

²²⁴ Op cit., p. 139

²²⁵ Op. cit., p. LV

²²⁶ Follett, op. cit., p. 271.

²²⁷ Follett, op. cit., p. 275; Bosanquet, op. cit., p. LVI.

²²⁸ Follett, op. cit., p. 283; Bosanquet, loc cit.

But is there not a contradiction in saying, on one hand, that sovereignty is a social or psychological process, on the other hand, that the present State lacks sovereignty? The difficulty here lies in deciding to what extent Bosanquet subscribes to Miss Follett's thesis that sovereignty belongs to the future community, not to the present. However, if we are to find consistency in Bosanquet's system, we must not assume that sovereignty is entirely lacking. In this system it must be regarded as having degrees. Perfect sovereignty is then an ideal that consists in degrees of unity in the social process, and the more of this unity the State possesses the more sovereignty it has. The ideal is of social-psychological character, in so far that it must be realized more or less in the present community for the State to be able to exist. Such an interpretation enables us also to find sense in Bosanquet's statement that »sovereignty and the truly absolute State are existences *de facto*, practical creations. They exist by actual growth and accomplishment.»²²⁹

But a difficulty presents itself here. What does Bosanquet mean by his statement that sovereignty is *the exercise* of the general will? Since every State action is also the exercise of the general will,²³⁰ are then State power and sovereign power identical? The State would then *de facto* possess full sovereignty, not merely partially realized sovereignty. And can the conclusion be drawn that the State and the general will are identical? If this inference is disallowed, must not Bosanquet's determination of sovereignty be regarded as self-contradictory: the general will as sovereign, i. e. as *supreme* power, is not *really* supreme? We must therefore first have a clear understanding of what Bosanquet means by State power.

At the beginning of this review of the notion of sovereignty we pointed out that a confusion was involved when Bosanquet rejected the juridical conception of sovereignty in its entirety.

²²⁹ Op. cit., p. XIII

²³⁰ Op. cit., p. 216.

In fact, this conception lies implicit in Bosanquet's political philosophy when he defines the State as »rightly exercising . absolute physical power», or »lawfully exercising force»,²³¹ a power that he calls absolute because »it has the distinctive function of dictating the final adjustment in matters of external action».²³² This entails both juridical and sociological sovereignty. How these two stand to each other, has not been elucidated by Bosanquet. But we must no doubt assume that he considers »lawful» to be a necessary attribute of absolute physical power. Otherwise he would land in those contradictions which always attach to a theory of the State that does not allow for a synthesis of the sociological and juridical elements. Green is therefore right in maintaining that if someone has suprême power *de facto* but not *de jure* he is not sovereign in the full sense of a »supreme law-making and law-enforcing power»; and a sovereignty *de jure* that is not *de facto* would cease to have supreme character. Two different sovereigns in a State, one *de jure* and one *de facto* would, in fact, disorganize the State.²³³ We here encounter the same problem as occupied us in the first chapter. There we came to the conclusion that only such social acts as can be assigned to the law are State acts. Now if there is a social power, e. g. a social group in the community or a foreign State, to which the *de jure* sovereign is actually subject, we have here either a State in dissolution — revolution, war — or else this extraneous power must influence the sovereign in such manner that he can still act in conformity with the constitution, i. e. so that the unity of the legal system is not broken. There is accordingly no essential difference if with Austin we regard the supreme source of the laws as sovereign or if with Kelsen we ascribe sovereignty to the unity of the legal system. In both cases we reach what is characteristic of State acts: of all the social processes that

²³¹ Op. cit., pp. 172, 173.

²³² Ideals, p. 273.

²³³ Green, op. cit., § 97

determine the acts of the State, only those can be assigned to the State, which obtain State determination from the legal system.

This determination of sovereignty as lying in the whole gives us a point of contact with Bosanquet's view. He has certainly been able to escape taking a position to *de jure* and *de facto* sovereignty by making the general will sovereign, for with this starting-point that setting of the problem is meaningless. But as the juridical and sociological conceptions of sovereignty are implicit in his system, this has been infected with contradictions that cannot be looked upon as accidental. This comes out now that he — fully analogous to Kelsen — defines sovereignty as being »the relation in which each factor of the constitution stands to the whole». ²⁸⁴ He can therefore also assume that »a constitution cannot be made except by modification of an existing constitution. If, to put a case, you have a multitude new to each other in some extra-political colony, they must assume a constitution, so to speak, before they can make one.» ²⁸⁵ From such a point of view it is also a natural consequence that he must reject the ideal of the sovereignty of the people, since sovereignty can only reside in the organized whole. What is the meaning, he asks, of »such a thing as 'the people' over and above *the organised means of expressing and adjusting the will of the community*». ²⁸⁶ In the words italicized by us the juridical conception of sovereignty is clearly apparent, and, what is more important, a relation to the will of the community is to be found here. This statement is backed by another that comes immediately after. »Law and constitution are utterances of the spirit of a nation». ²⁸⁷

The question is now: Is it the will of the community, the

²⁸⁴ Theory of State, p. 262

²⁸⁵ Op. cit., p. 263

²⁸⁶ Op. cit., p. 262 f. (Italics ours).

²⁸⁷ Op. cit., p. 263.

spirit of the nation, to which sovereignty is to be attributed, or is it the lawfully exercising force, the power of final adjustment in external matters? Two explanations are here possible.

The first explanation is intended to show that only the general will is sovereign, and that sovereignty does not therefore belong to the supreme power of all, but to the highest *ethical* power. This would then imply that every State does not necessarily possess sovereignty. Whether Bosanquet agrees to this conclusion, is not easy to discern. We will return to our earlier question: Can the exercise of the general will amount to being identical with the general will? The question is the same as the more general one. Is the State according to Bosanquet identical with the general will? This question has been answered affirmatively by several of his critics.²³⁸ Bosanquet expresses himself in this direction when he says it is the real or rational will »that thinkers after Rousseau have identified with the State«, and he points out at the same time that in this theory also lie Plato's and Aristotle's principles.²³⁹ And there can scarcely be any objection to assuming that the exercise of the general will is equivalent to being identical with the general will, especially if account is taken of Bosanquet's conception of identity.

This interpretation, however, cannot be regarded as the only possible one. In the section from which we have taken the above quotation he says that the real will, »as represented by the State, is only a partial embodiment of it«.²⁴⁰ And elsewhere, that »a representation of the Real Will is imperfect . . . just as the system of sciences is an incomplete expression of truth«.²⁴¹ We have also seen that, in contrast to Rousseau,

²³⁸ Hobhouse, op. cit., p. 72, Laski, Bosanquet's Theory of the General Will, p. 48.

²³⁹ Theory of State, p. 139.

²⁴⁰ Op. cit., p. 141. Hobhouse has also noted this statement.

²⁴¹ Op. cit., p. 115

Bosanquet does not regard the State as perfectly good and wise, but considers that it is liable to the same faults as the private individual. This power can consequently grow so imperfect that it becomes a social duty for the individual to revolt. Here he comes very close to Green, who regards sovereignty as being, »in the long run and on the whole«, an expression of the general will, not the general will itself, as particular laws may conflict with it.²⁴² If stress is laid on »in the long run and on the whole«, it is possible to assume that every State possesses sovereignty in the ethical sense, at it is only occasionally that the State puts itself above the general will. On the whole, however, it is this will that enables the State to exercise its power with success. As a general conclusion in interpretation of Bosanquet's view we may therefore say that the conception of the State power as identical with sovereignty or the general will is possible provided the deviation of the empirical State from the general will or from the State *qua* State can be considered as accidental.

But is it really possible even »in the long run and on the whole« to make the State an expression of the general will? For instance, Broad urges against Bosanquet that »all actual States are worked mainly by inertia, fear, and various tribal illusions on the part of the governed, and ambition, interest, and occasionally a genuine desire for the general welfare on the part of the governing class«.²⁴³ Bosanquet, however, has not denied that there is much egoism behind historical creations and social institutions: »It is plain, as Green says, that the idea of a common good has never been the sole influence operative in the formation and maintenance of States. And, in so far as it has operated at all, it has only done so in very imperfect forms.«²⁴⁴ But in spite of this the State is according to Bosanquet an expression of the general will, for only in so far as

²⁴² Political Obligation, § 93.

²⁴³ Mind, 1918, p. 370.

²⁴⁴ Theory of State, p. 269.

the State furthers common good is it possible for the State to have durable existence. Moreover, any purification of the egoistic motives is a course that conflicts with all Hegelian theory of the State, since this would involve disregard of the right relation between the abstract and concrete.²⁴⁵

Assume, says Green in one place, also referred to by Bosanquet, that the social institutions really are an expression of common good, but whose conception of general good is it that they give expression to?²⁴⁶ Whose freedom is it that the State guarantees? »To an Athenian slave, who might be used to gratify a master's lust, it would have been a mockery to speak of the state as a realisation of freedom; and perhaps it would not be much less so to speak of it as such to an untaught and under-fed denizen of a London yard with gin-shops on the right hand and on the left »²⁴⁷ Is it not the fear of punishment and the necessity of submitting to the coercive power of the State — in some degree endurable from having become a habit of the individual — that prevents the oppressed class from rising in rebellion, and not the feeling that the State is an expression of the general will? And is it not then »seriously misleading» to assert that the State has the same source as morality, since the force is set up by selfish motives and obeyed on account of fear.²⁴⁸ In spite of this critical attitude, however, Green regards the State as ultimately founded on will, on common good, not on force. We find the same attitude in Bosanquet. We have seen that he, too, finds some justification in the criticism, though he is less sceptical than Green and assigns »a greatly diminished importance to his criticisms».²⁴⁹ As reason for his reservation he states that »the time has gone by for the scrupulous caution which Green

²⁴⁵ Loc. cit.,

²⁴⁶ Political Obligation, § 120; Theory of State, p. 268

²⁴⁷ The Different Senses of 'Freedom', § 6.

²⁴⁸ Political Obligation, § 120.

²⁴⁹ Theory of State, pp. 269 f.

displayed in estimating the value of the State to its members:

A more intimate experience of social life has shown that the poorer classes have the same feeling for good as the rich, and that fear of punishment plays a very small part in the maintenance of the social system, »while the place of a habituation, which is essentially ethical, is comparatively large». ²⁵¹

✓ This comes out still clearer in the ordinary member of the State, e. g. an English labourer ²⁵² He is generally a law-abiding citizen, observant of current conceptions of honour, honest in all his dealings, and strives to do his duty to his family and his fellow-men, hence contributing to building up and sustaining the community on ethical foundations. In addition, this average man almost always has a feeling for home and country, perhaps more than he himself in calm times is inclined to think. If we therefore »look at the spirit of the whole life we shall see that it is substantially dependent on the recognition of a good, and feels that dependence in concrete form». ²⁵³

This so-called concrete conception becomes not least apparent when Bosanquet — also here following Hegel and Green — tries to show that rulers and conquerors as well are not impelled solely by egoistic motives. Life is a whole, but made up of particulars, and therefore we must not pick out one of these particulars and regard it as isolated. Nor can we so regard the selfish motive in abstraction from the whole. Egoistic or egotistic motives are not »without direction from an involuntary reference to social good», just as little as the pure desire for social good is »unalloyed by egoistic motives». ²⁵⁴ We must not let the subjective and objective ends exclude each

²⁵⁰ Op cit, p 1X.

²⁵¹ Op. cit, p 270.

²⁵² Op. cit, pp. 272 f.

²⁵³ Op cit, p. 273

²⁵⁴ Green, op. cit, § 128

other. Therefore, when the great historical personalities are represented as moved by only subjective springs of action, they are considered, according to Hegel, in the same way as by the 'psychological valets', »für welche es keine Helden gibt, nicht weil diese Helden, sondern weil jene nur die Kammerdiener sind«. ²⁵⁵ In contrast to the valet we must view human acts in the bulk. To turn with moral disgust from an act because the agent found satisfaction in it »is to fall back into the mere general willing of 'the abstract good'«, ²⁵⁶ or as Hegel so vividly expresses it: »Die Lorbeeren des blossen Wollens sind trockene Blätter, die niemals gegrünt haben«. ²⁵⁷

Green and, following him, Bosanquet also say that the actions of bad men are »overruled for good. ²⁵⁸ We must not look upon, for instance, Napoleon's actions as a result of merely egoistic motives. Bosanquet has once stated that our ideas must come from somewhere. We get them from the concrete system in which we find ourselves a part. It was the same with the ideas to which Napoleon gave reality. They did not spring solely from his selfish ambition, but also and perhaps principally from influence exerted by the concrete objective system he belonged to, through which influences his selfish interests were doubtless often overborne or overruled. We might also say that it was only because Napoleon's aims had something in common with the ideas of the time that he was able to carry out his ideas, and for this reason they can be regarded — in Hegel's terminology — as rational. »They came into existence through the working of innumerable minds towards objective ends by the inherent logic of social growth«. ²⁵⁹

Perhaps no other problem in the universalistic theory of the State leads us so clearly as does this one to the basic view

²⁵⁵ Rechtsphilosophie, § 124.

²⁵⁶ Theory of State, p 271.

²⁵⁷ Rechtsphilosophie, Zusatz zu § 124

²⁵⁸ Political Obligation, § 129; Theory of State, p 273.

²⁵⁹ Theory of State, pp. 273 f.

of this theory, viz. the conception of reason in history and of common good and the general will as realized in the institutions and laws of the State and society, or, in brief, the State as an ethical category, as having ethical sovereignty. According to this theory the State is fully determined only if due account is taken of the ethical point of view, since the general will is the reason for the existence of the State power, since »what makes and maintains States as States is will and not force» and »this principle cannot be overthrown by the facts of self-interest in ordinary citizens, or of selfishness in those who mould the destinies of nations».²⁶⁰

3 The State in Means-End Relation.

If the sovereignty of the State consists in its ethical character, will not the consequence be that the individual and personal is subordinate to the State. Will not the individual be merely a means?

Such criticism is very commonly met with from individualists. We have previously mentioned (pp. 263f) that the difference between the universalistic and individualistic views of society lay in their different conception of the character of the ethical, and was not so much of social-psychological nature. Even if, for instance, McDougall assumes a group mind that is more than the sum of the individual minds, he does not withdraw his idea that from an ontological and axiological point of view the individual is primary and the State secondary.²⁶¹ It is however evident that the opposition between the moderate individualism to which McDougall belongs and the moderate universalism of the British neo-idealists is not so pronounced as between the nineteenth-century British individualists and, e. g., Hegel. McDougall, for instance, has emphasized the whole as to some extent a self-existing value, and has sought to establish

²⁶⁰ Op cit, p. 274

²⁶¹ The Group Mind, pp 112, 152, 288

a synthesis of the good of all and the good of the whole.²⁶² of laissez-faire and socialism, of the doctrine of society as an organism, and that of society as founded upon reason and free will. This is the view of a community where a «maximum and perfection of organisation» is «combined with the maximum of liberty», and where the individual is conscious of the whole, his place and functions in it.²⁶³ We accordingly see that the ideal community occupies the focal point for McDougall.

Just on account of this tendency in McDougall to use a highly developed nation as »Idealtypus», the difference between him and Bosanquet does not stand out so sharply. The synthesis we have seen McDougall make is also Bosanquet's. What difference there is between them lies in their respective starting-points. While McDougall sees in the community an expression and outcome of the individual's innate tendencies, Bosanquet considers this relation to be in part the reverse. This is bound up with Bosanquet's view of the whole as concrete reality. The individual is real only to the extent he belongs to the whole, just as the whole is real only in and through its parts. This view of reality also lies at the foundation of, or is identical with, a corresponding synthesis of the value of the individual and the value of society.

For Bosanquet the individual is no more an end in himself independent of the State or society than the State is an end independent of the individual, and the individual is no more a means to the State than the State is a means to the private individual. Bosanquet does not halt here before an either — or, but seeks a synthesis, a both — and. Miss Follett's thesis that the State and the individual are »different aspects of the same process»,²⁶⁴ could also be regarded as Bosanquet's. Indeed, this view is merely a consequence of Bosanquet's teleological con-

²⁶² Op. cit., p. 172.

²⁶³ Op. cit., pp. 175 f.

²⁶⁴ Op. cit., p. 140.

ception of the whole, of which we have previously given an account. We then found that a teleological whole is an identity in difference and not a means-end relation. The same theory also applies to the teleological whole constituted by the State. The notions individual and community are correlative through and through, and it is a contradiction in terms to distinguish the one element from the other as superior from inferior, or as means from end.²⁶⁵ Here is «a single web of content which in its totality is society and in its differentiations the individuals. To make the totality the means to the differentiations or *vice versa* is like making a drama the means to characters, or the characters to the drama».²⁶⁶

This relation between whole and part can be illustrated by the same example as we used in explication of the general will as a concrete universal. We there compared a concrete universal and its parts to a tree and its parts. Now the State is not, according to either Hegel or Bosanquet, an animal or vegetable organism, although from one point of view the analogy is apt every organism is an embodiment of life. The parts of a tree have life only in and through the tree, and the tree has life only in and through its parts. One part, e. g., a leaf, could certainly exist without the tree, but it would be without life. In assisting to sustain the life of the whole the various parts contribute to maintaining their own life. If we were to speak of any end here, it would be life. The case is the same with the organism we call the State. The individual possesses spiritual and more life only in and through society and the State, just as society and the State can exist only in and through individuals. The individual is therefore not a means to a «material» mass, for the individual mind is an active form of manifestation of a single pervading life, which in its wholeness is to be found in the State. To make as much as possible of this life, i. e. to

²⁶⁵ Theory of State, p. 167.

²⁶⁶ Op. cit., p. 168.

realize the best life, or — in Hegel's mode of expression — to realize freedom, in this consists the ultimate end for the individual and the State.²⁶⁷ When therefore in Hegelian terminology the State is called a self-end, this does not imply that the State is an external means, but that it is an embodiment of life, in the same way as a tree embodies organic life. »Hegel«, says Bosanquet, »does not mean anything which can be intelligibly expressed by saying that society is an end to its members. The end, if we must use that term, is, I suppose, the completest embodiment of the idea compatible with the finite conditions of life«.²⁶⁹ Bosanquet also expresses this thought thus, that our actual or lower self is a means to our higher self, to the real or general will. This would accordingly imply the same as to say that the individual is a means to the moral life.

If the means-end idea is considered from such a point of view, many of the doubts entertained against the Hegelian theory of the State will disappear. Even so, the difference that remains between the Hegelian or universalistic view and the individualistic is sufficient to be denoted as essential. For individualism the State is simply and solely an external means to the best life; it may also be said that from an axiological point of view the State is something neutral that only occasionally acquires the character of a value, in the same way as the intelligent self-interests can be regarded as something good because they are means to social well-being. This fact, however, does not make them ethical in their essence. For universalism, on the other hand, the State is a necessary expression, a necessary embodiment, of the best life. The State is ethical in its essence. If there is to be any ethical life at all, this must be realized and embodied by a social organization, for a morality that is merely an »ought« is no true moral life,²⁷⁰ just as little

²⁶⁷ Op. cit., p. 169; *Ideals*, p. 271.

²⁶⁸ *Ideals*, p. 272 n

²⁶⁹ *Mind*, 1898, pp. 9 f.

²⁷⁰ Cf. Binder, op. cit., p. 93.

as life would be only an ought to inorganic nature. Just as life must be embodied in the material, and — if we are permitted to adopt a teleological point of view — just as animal and vegetable organisms exist for the sake of life, so do individuals and States exist for the ethical life.

4 The Relation of the State to Non-State Orders and Systems.

Probably one of the commonest objections raised against the universalistic theory of the State is that it goes too far in its absolutification of the State: it makes the State a supreme ethical category and it makes the present State the terminal point of development. It is reproached for not paying sufficient regard to the values that are realized, if not independent of social life, yet independent of State life, the latter is even alleged to act on account of its coercive character as a check on the individual's moral strivings. Some ask whether other organizations, e. g. the Church, are not expressions of higher values than those represented by the State. And further, why the theory does not go beyond the State and national unity to an International order, where the well-being of humanity, not merely of the nation, would be the ultimate goal. What reason is there for development to stop just at the Nation-State? Is it not, as Hobhouse asserted against Bosanquet, 'the high duty of philosophy to look beyond this narrow standpoint and seek the universal view' ?²⁷¹

The criticism against universalistic absolutism of the State, which we have outlined here, is not fully justified. To a certain extent it is applicable to Hegel, but not to Bosanquet. 'Neither the State, however, nor the idea of humanity, nor the interests of mankind, are the last word of theory'²⁷² is no chance assertion of Bosanquet's but a consistent development of his basic philosophical conception — and we might also say of Hegel's.

²⁷¹ Op. cit., p. 113

²⁷² Theory of State, p. 309

We shall therefore consider what relation the objective moral world has, firstly, to Non-State organizations, e. g. the Church, secondly, to a Super-State order, and finally, to humanity.

1. We have earlier stated that Bosanquet makes religion the highest value. But would not the consequence then be that the Church, as the chief expression of religious value, acquired primacy over the State? This is one of the most abstruse problems in Hegelian political philosophy, not least in Bosanquet. Hegel has furnished at least a theory of the relation between State and Church, but Bosanquet has given this problem only a passing mention. The general purport of his reasoning, however, is that only our position as citizens can include the whole of our self, can fully represent «our own greater self, or our whole conception of a common good», since it includes all other interests and associations, and makes them possible.²⁷³ Only through the State are other institutions «capable of playing a rational part in the object of human will». And if the Church stood outside State life, it would soon be »a prey to stagnation and disease»; Bosanquet refers here to the temper of those who live solely for the Church.²⁷⁴

These indications afford us sufficient reason to assume that on the whole Bosanquet stands in this question on the same ground as Hegel. To Hegel religion is the foundation of the State, but this must not be interpreted as meaning that the State should »auf Vernünftigkeit beruhen und aus ihr hervorgehen».²⁷⁵ What distinguishes the State and religion is, firstly, that the Idea as religion has its place »im Innern des Gemüts», while the Idea as State »in der Welt steht», gives itself »Weltlichkeit» and hence acquires »ein Dasein und eine Wirklichkeit».²⁷⁶ Religion is thus subjectivity, though »absolute Wahrheit»; the State is »die wahrhafte Weise der Wirklichkeit»,

²⁷³ Science and Phil., p. 276

²⁷⁴ Theory of State, p. 140.

²⁷⁵ Rechtsphilosophie, Zusatz zu § 270.

²⁷⁶ Op. cit., § 270 and Zusatz.

and therefore Hegel is also able to say that religion is perfected in ethical life.²⁷⁷ Secondly, the State is distinguished from religion by having »die Gestalt einer rechtlichen Pflicht, without regard to the sentiment of the individual, while the sphere of religion is »die Innerlichkeit«; if it strove, to be more, it would become tyrannical. From this it follows, thirdly, that »der Inhalt der Religion ein eingehüllter ist«, i. e. it has its source in pure feeling, while the acts of the State must be rational, must be firm and objective and not founded on capriciousness.²⁷⁸ Therefore, if religion were to rule alone, it would obliterate »die besonderen Unterschiede« that must always belong to an objective whole. Religion would then become fanaticism. Especially this last point bears full resemblance to the view we found in Bosanquet.

Although religion is the inwardness of man, it must act in the outside world. This it does through the Church, which is a manifestation of the subjectivity, the feeling and belief, that constitutes religion. The Church, of course, must not make its precepts compulsory rules, for this would conflict with sentiment and destroy the distinctive character of religion.²⁷⁹ Hegel's statement that such rules would take the form of laws puts one strongly in mind of Kelsen's that the Church as a juridical order is the State.²⁸⁰ The Church would then have the same functions as the State, and, placed in an imperfect world, it would be as liable to fall into error and aggression as the State. Hegel and Bosanquet therefore see in the separation of State and Church the only possibility for the Church to devote itself peaceably to man's spiritual needs and the State to realizing the ethical life in the world.²⁸¹

It is the same, according to Bosanquet, with the relation

²⁷⁷ Begriff der Religion, Sammtl. Wke, XII, Lpz., 1925, p. 302.

²⁷⁸ Rechtsphilosophie, loc. cit.

²⁷⁹ Loc. cit.

²⁸⁰ Staatslehre, p. 133.

²⁸¹ Hegel, op. cit., § 270; Bosanquet, op. cit., p. 265.

between the State and other associations than the Church. The State has its special task, which no association, at home or abroad, can fulfil. This task of maintaining in a certain territory the external conditions of good life as a whole cannot inquire into the sentiments underlying associations. The State is nevertheless absolute in the sense that it is the sole judge as to when it is necessary to prohibit and prevent the expression, in external facts, of any loyalty but that to the community which it represents». ²⁸²

It has been urged against Hegel that he did not arrive at a satisfactory answer to the question of the relation the State and religion bear to each other. ²⁸³ At the same time as he makes religion the substratum of the State and allows individual States to develop or dissolve in the historical process, he accords the ethical life, or *der objektive Geist*, an absolute value in relation to religion, or *der absolute Geist*, so that all connexion between them is severed. This inconsistency has given birth to the accusation against Hegel that he absolutifies the present State. His exposition in *Philosophie des Rechts* is at times of a nature to justify such a conclusion. Bosanquet has here given a clearer exposition. Like Hegel, he affirms religion to be the foundation of social unity, but he lays stronger stress than Hegel on this foundation, just as he more explicitly maintains that the State as absolute does not mean the highest. Art, philosophy, and religion are certainly, according to Bosanquet, »in a sense the very life-blood of society», ²⁸⁴ but at the same time they point beyond the community to a higher less contradictory unity. Since this is also Hegel's fundamental view, ²⁸⁵ we ought not to attach undue importance to the incon-

²⁸² *Ideals*, pp 283 f

²⁸³ Georg Lasson, *Einführung in Hegels Religionsphilosophie*, Lpz., 1930 (Hegel's *Sämmtl. Wke.*, XIV), p 8

²⁸⁴ *Theory of State*, p 310.

²⁸⁵ *Ideals*, p. 272 n., Phalén, *Das Erkenntnisproblem in Hegels Philosophie*, Ups., 1912, p 399.

sistency in his *Philosophie des Rechts*, especially as he also here emphasizes that individual States have to render account before the tribunal of world history, where the law of the world spirit rules, for this law ist das allerhöchste.²⁸⁶

2. But, as for instance Phalén points out, Hegel's absolutification of the present State is also ascribable to another fact. The Hegelian theory with its self-contained unity regards the last as also the highest, „und da die zeitliche Entwicklung z. B. der Staatsformen sich mit der logischen deckt, so muss Hegel konsequenterweise die Staatsform seiner Zeit als die höchste auffassen“.²⁸⁷ But it may be taken that this does not mean more than that the present is the absolutely highest only in relation to the past, not to the future.

Nor must we interpret Bosanquet otherwise when he makes the Nation-State the highest instance of ethical value. For him the State is „the guardian of a whole moral world, but does not itself act within a moral world“.²⁸⁸ As we know, to be real, the common good or the general will must be embodied in a concrete organization with a common experience, sentiment, tradition, and aspiration. But as social reality is now, the Nation-State is the largest body in possession of these requisite conditions for a general will. Therefore the State is not, as for instance the individual, referred to an objective moral order. Now the consequence of this is that in its acts the State is bound in a certain way by other moral norms than the individual. The State, as such, certainly cannot be guilty of personal immorality, and it is hard to see how it can commit theft or murder in the sense in which these are moral offences.²⁸⁹ This statement arouses opposition in many, since they infer from it that Bosanquet takes the same standpoint as Machiavelli, that the individual, e. g. the prince, who acts in the name

²⁸⁶ *Rechtsphilosophie*, § 340.

²⁸⁷ Phalén, *op cit*, p. 399.

²⁸⁸ *Ideals*, p. 288.

²⁸⁹ *Theory of State*, p. 300.

of the State, is not bound by either moral or legal considerations. But this is to misunderstand Bosanquet's meaning, even if it is correct that, like Machiavelli, Bosanquet assigns 'the prince' other laws than the private individual.

What makes a satisfactory solution very difficult here, is the vagueness around the question in what respect an act can be assigned to the State and not to a private person. What is meant by saying that a State is moral or immoral? Bosanquet would have gained much by more closely determining what is empirically meant by an act of State. He furnishes merely the negative determination that an act which violates the law cannot be a State act;²⁹⁰ and, as previously mentioned, we have not found in him any explicit explanation of the relation between the State and the juridical system. This is due to his ethico-normative conception of the State. Thus he does not say with, for instance, Kelsen that only the act which is in conformity with a system of law can be assigned to the State, but, purely ethically, though analogous to Kelsen, that a State act is one to which the State is substantially bound, and one that springs from the obligations and aims of the State, as a whole.²⁹¹ And hence, from his starting-points, he is fully justified in asking 'if the act was immoral, can the State, *as such*, really have willed it?'²⁹² Certainly he regards such a posing of the question as 'a mere refinement', but in his political system it must inevitably contain a truth, for, if the State is defined as an ethical conception or system, a whole aiming solely at public interests, an immoral act can obviously not belong there, just as little as a non-juridical act can pertain to the State if this is regarded as a juridical system of norms. Bosanquet, however, is fully aware that there is a danger here of the State holding itself pure, i. e. aiming at the common good, however its agents may act, but he regards this danger

²⁹⁰ Op. cit., p. 303 n.

²⁹¹ Op. cit., p. 301.

²⁹² Op. cit., p. 300.

as unavoidable.²⁹³ Of course, an agent who sacrifices public interests to his own can be punished by the State. But if he is not punished, and the State sanctions his conduct, is the State then proceeding immorally? Or, as the question is generally formulated by Bosanquet »does an interest of State justify what would otherwise be immorality or wrong-doing on the part of an officer of State?«²⁹⁴ The answer to this question must be seen from the point of view of Bosanquet's concrete conception of morality.

Bosanquet assumes no absolute moral rules of conduct, established for all people and all time. If there were to be any rule, it would be the best life, but, as every situation an individual finds himself in is in some sense new, this rule does not always give guidance. Man must as it were 'make morals for each occasion, »though in practice, assuming *bona fides*, he has in general little difficulty in discerning his duty at the moment. A strictly moral judgment of others is scarcely open to him at all.«²⁹⁵ Where the State is concerned, any moral judgment of its acts must, of course, be still more defective. The individual is placed in an objective moral world, but there is no developed organized life between the States. The State stands as the supreme power, as a guardian of an organized life, but is not itself »protected by any scheme of functions or relations, such as prescribes a course for the reconciliation of rights and secures its effectiveness.«²⁹⁶ Consequently, when the life of the State is in danger, it must be thrown on its own resources to protect itself, while the individual is able to fall back upon and receive protection for his rights from a power standing above him. From his ethical starting-point, Bosanquet arrives here at the same distinction as Kelsen between a State act and a private individual's. Just as we cannot

²⁹³ Op. cit., p. 301.

²⁹⁴ Op. cit., p. 302

²⁹⁵ Ideals, p. 286.

²⁹⁶ Theory of State, p. 304; cf. op. cit., p. 302; Ideals, p. 288

according to Kelsen speak of *Diebstahl*, *Strafe*, *Exekution* » *ausserhalb des Rechtsystems*, so can we not, in Bosanquet's view, speak of war, confiscation, the repudiation of a debt » as murder or theft in the customary sense of these terms, since they do not constitute » a breach of an established moral order ». ²⁹⁷

But has not Bosanquet here set too narrow limits to the ethical sphere and identified the moral order with the juridical system? Must there not be a great difference between making the State a juridical order and making it the sole ethical order? Even if we admit that the State is the largest organized body, nay, that it is the only order which makes moral life possible, cannot the moral character of the State be judged by comparing one State with another or with another organization? And does not Bosanquet now glide into the same fictive view as he accuses Rousseau of when the latter regards the State as always perfectly good and wise? Bosanquet does not however deny that the State can be immoral. What he wishes to accentuate is that nothing is to be gained by regarding the immorality of the State as being of the same character as that of the individual. We must not, according to him, confound immorality of the State with immorality of its agents when they are » *corrupted in their own private interests* » or » *in the alleged interest of the State* ». It is only possible to speak of an immoral act of the State when its agents or organs, » *which act for the State, as such, exhibit in their public action, on its behalf, a narrow, selfish, or brutal conception of the interests of the State as a whole, in which, so far as can be judged, public opinion at the time agrees* ». ²⁹⁸ But how is it possible here to escape the self-contradiction, on one hand, of regarding the State as an ethical category, on the other hand, of nevertheless at times making the State immoral? But we ought to observe that Bosanquet does not regard the State or the general

²⁹⁷ Kelsen, *Staatslehre*, p. 48, Bosanquet, *op cit*, pp 303 f

²⁹⁸ *Op cit*, p. 304 f.

will as absolutely perfect. Belonging to our finite world, they must be more or less burdened with the self-contradictions inherent in finitude. Everything in our finite world, he says in one place, must break down somewhere, and he considers social institutions a good example of this: 'all institutions — admit it for argument's sake — serve some purpose, but all certainly break down and become self-contradictory — bankrupt — at some point.'²⁹⁹ In full agreement with this he regards the general will as a unifying activity striving after a higher and concreter unity. The general will can therefore be self-contradictory, and since, as we have seen (p. 236 above), it is practically identical with public opinion, which at times may be selfish or narrow, it can be regarded as immoral.

But who can pass judgment upon the moral character of a State when the State itself is the highest moral instance? We do not find an answer to this question until in an addendum of the year 1919 to *The Philosophical Theory of the State*, where Bosanquet says: '*the guilty State is judged before the tribunal of humanity and of history*'. But it is judged as a State, that is, by the degree of its failure to cope with the duties of a State, all conditions considered.'³⁰⁰ The interpretation that suggests itself is surely that Bosanquet does not mean anything else here but what he asserted in respect of the conception of truth, i. e. that the degree of truth contained in a theory can be judged only by a subsequent more coherent theory. The moral content of the State can thus be judged only by some other State that is an embodiment of a more harmonious and non-contradictory general will.

This theory is the same as that we find in Hegel when he asserts that the individual States are to be judged before the tribunal of world history, and it is surprising that Bosanquet had not earlier emphasized this view more strongly. In any

²⁹⁹ Appearances and the Absolute, *Phil. Rev.*, 1920, p. 572.

³⁰⁰ *Op. cit.*, p. 304 n.

case there is no question of a change in his fundamental view of the State. With full reason he could say, on reviewing his philosophy in 1919. »Then all the old things were true». ³⁰¹ The addenda of this year to his principal political work can be regarded as having been made in respect of the new forms historical development had taken, for what had changed was — if we may so express it — the objective moral world. His political philosophy could take in this new reality without breaking down, for its old framework can bear fresh concrete content, being constructed for a reality that is not static, but dynamic, one in constant process of development. The main thing for Bosanquet was that the general will should be borne by a communal mind. To determine its embodiment fell to the lot of historical development. »City-State, Nation-State, Commonwealth, Federation, World-State, it makes no difference». ³⁰² The conditions necessary for a general will, which previously he had found present only in the Nation-State, he could now discern as in process of realization in the shape of a world-community: »I hope and trust we are in a way to see these realised». ³⁰³ We must not however infer from this that Bosanquet considers that it is this world-community that constitutes

³⁰¹ Op. cit., p. XLV.

³⁰² Ideals, p. 271. — The criticism directed by Joad against Bosanquet's conception of the State thus proves to be unjustified. He sums up his interpretation as follows. »The special significance of the expression the *State* ... implies (1) that the State is a peculiar organisation with rights and powers over its members of a quite special kind, (2) that the State is a final form of human organization; (3) that its nature can be considered in isolation without taking into account its relation to other States» (Liberty and the Modern State, Arist. Soc., Suppl. Vol. XIII, 1934, pp. 18 ff.). The first point is correct, but not the other two. Bosanquet denies that the present State is a final form of organization, even if he regards it as the highest for our time. And further, he especially emphasized (Ideals, p. 275) that the State implies other States and that a determination of the State *qua* State must therefore take this into account.

³⁰³ Op. cit., p. 306 n.

the tribunal of humanity. The former as an organized body of mankind is as yet far from being described, while the tribunal of humanity must be regarded as already realized. We shall now see what attitude Bosanquet takes up towards the conception of humanity as a unity.

3. In »Social and International Ideals» Bosanquet points out that from the social organism we cannot appeal to an organism of humanity as supreme authority, since in our present world there is no such organism. »For such an organism, consciousness of connection is necessary...»³⁰⁴ or, to express it more in concord with Bosanquet's customary terminology: the human race has no general will. Humanity is an aggregate, a multitude, a collection of individuals, and cannot therefore constitute a real community.³⁰⁵ When we value the human essence, we are valuing something qualitative, not something quantitative. Our idea of humanity is not found by simple numeration; it must have regard to the perfect, and this is realized more in the family and the State than in mankind as a sum of individuals, for »humanity is not equally applicable to all human beings». Bosanquet sets himself vigorously against those who cannot see »the distinction between the unorganized aggregate of human beings, and those definite coherent characters and achievements which alone give hope and value to life». Against sentimentalism, which »loves all human beings simply as they are», and doctrinalism, which »loves them only for the sake of the general purpose», Bosanquet sets his standpoint, rational enthusiasm, which is a synthesis of the two preceding: it loves human beings »as they are, but seeing in them a relation to the general purpose».³⁰⁶

³⁰⁴ Op cit., p. 291

³⁰⁵ Mind, 1916, p. 402 n. (Review of »Vaughan: The Political Writings of Jean Jacques Rousseau») According to Bosanquet, Rousseau also denies the general will to the human race, regarding the latter as a mere collection of individuals. »Idée purement collective, qui ne suppose aucune union réelle entre les individus qui le constituent.» Ibid, p. 404 n

³⁰⁶ Civilization of Christendom, pp. 67 f.

Bosanquet regards this view as opposed to that of the Comtists, since according to him they see in humanity a real corporate being. Such a view must of course be rejected by him, even though he considers it may be realized in a sure future.³⁰⁷ But the question is to what extent the Comtists themselves assume a real corporate being. Hobhouse, for instance, urges against Bosanquet that this is a misapprehension of the Comtistic conception of humanity, and in support of this he quotes J. H. Bridges, 'a distinguished Comtist', who says: »Humanity consists only of such lives, and only of those parts of each man's life, which are impersonal, which are social, which have converged to the common good». And Hobhouse adds: »The 'Comtist' Humanity is mankind in so far as it forms a spiritual unity».³⁰⁸ In this spiritual unity Hobhouse sees a feature common to Bosanquet's and the Comtistic conceptions of humanity, but points out at the same time that it is more fruitful to accept with the Comtists this unity as a higher unity than the Nation-State, it being both more spiritual and truer to fact than Bosanquet's notion of the Nation-State. It is more spiritual because it relies on the inward forces and therefore goes »below the externals of unity»; it is truer to fact because thought, ethics, religion or art, which Bosanquet also includes as the highest, »are not the achievements of one state or one nation, but of many»; their history is a world history.³⁰⁹

To this Bosanquet could have answered, the unity of humanity may be more spiritual than the Nation-State, but this does not necessarily imply that it is more real. To be real a spiritual unity must differentiate out into concrete unities; therefore humanity can only attain reality in the State. And he could here answer the individualists — Hobhouse and Laski — with the same objection as they had raised

³⁰⁷ Op. cit., p. 99, *Ideals*, p. 242.

³⁰⁸ Hobhouse, op. cit., 115; (*Bridges. Essays and Addresses*, p. 88).

³⁰⁹ Op. cit., p. 116.

against his general will as being a mystic super-will. This objection would be even more in place against Hobhouse's view of the spiritual unity than Bosanquet's conception of the general will. This will must be embodied in the institutions and laws of the finite world, but there is no such concrete organization for humanity. Even if Bosanquet has underrated the Non-State organizations that exist, the question here is whether there is any sense in speaking of a spiritual unity that has its source in only the most perfect in the different individuals.

As for the other objection, that an assumption of the spiritual unity of humanity as a higher unity than the Nation-State is in agreement with Bosanquet's view of religion, art, and philosophy as the highest values, this may have some justification. Bosanquet, however, is not fully clear in this question, as we found from our account of his conception of the relation between State and Church, ethical life and religion. So much we can say, however, that according to Bosanquet thought, art, and religion are not independent of social life, even if they go beyond this: »The human mind, consolidated and sustained by society, goes further on its path in removing contradictions and shaping its world and itself into unity» and strives to give »fuller utterances of *the same universal self* which the 'general will' reveals in more precarious forms».³¹⁰ With this view, the distance is not particularly great between Bosanquet and Comtism, such as this is represented by Bridges. Actually the latter stands closer to Bosanquet than Hobhouse seems to be aware, so that Bosanquet can find in him almost more support for his doctrine than Hobhouse can for his. At least from what Hobhouse's quotation seems to indicate, Bridges emphasized that humanity is »something widely different» from the human race. What according to him we revere in humanity is not the personal, but what is »impersonal», »social». And neither can Bosanquet mean

³¹⁰ Theory of State, p. 310 (Italics ours)

anything else when he allows our highest values in a sense to be »the very life-blood of society». Therefore, when Bosanquet regards social life, or the general will, as the best part of us, from which the highest human capacities can evolve, this theory does not differ from that entertained by such non-universalistic thinkers as Bridges and Durkheim. Nor need in our opinion the consequence Bosanquet draws from this theory, that of making the Nation-State the most perfect form of social life, be anything terrifying to individualistic thinkers, since even one of themselves, McDougall, regards the nation as the highest organized group. We should also remember what we recently quoted from Bosanquet, viz. that the general will, or the Nation-State, is only a precarious manifestation of the universal self, or, perhaps we may say, the Absolute. In this way his political philosophy becomes a part of his general philosophical system, where the highest value is not the State, but religion. If we are not justified in separating the political philosophy out of the Hegelian system, or attributing self-existence to its object, the State, then we are still less justified in doing so in the case of the Bosanquetian philosophy.

In our exposition of Bosanquet's philosophy of value we found that the individual's highest strivings could be summed up in self-transcendence to a higher whole. Social life affords the fundamental conditions for this self-transcendence; perhaps we could say that self-transcendence means social life. A private individual cannot cover the whole ground of the possibilities of human nature. Through society his capacities can be taken up into a whole, so that the capacities of the one individual are supplemented by those of the other in such manner that there is a systematic relation between the two individual minds, neither being »intelligible or complete without the other».³¹¹ Nor can society in its highest form, the State, cover the whole ground of human life; but each State represents its type. The task of the State — if we may so interpret Bosanquet — is

³¹¹ Principle, p. 315.

to attain a higher whole through self-transcendence. But social life is an inevitable condition for a systematic self-transcendence. Otherwise, humanity as a whole is not intelligible. What is lacking from the spiritual unity of humanity is just the social bond, so that we can understand the human capacities only from our own type of life. So the final end of a State cannot be its present condition, for it is contradictory, nor the idea of humanity, for it is determined from our own type of life, nor the interests of mankind, for they form no logical unity; it is, like the individual's, to realize human qualities through an ever-progressive self-transcendence.³¹²

e. Idea and Ideal in Universalism.

Now that we have come to the task of summing up what we have found to be the fundamental problem of universalism, we consider it suitable to do this in the form of an investigation into the politico-philosophical method of the universalists. We have entitled this section »Idea and Ideal» because these conceptions lend themselves more than others to an exposition of the basic difference between the ethico-universalistic and the ethico-individualistic theory of the State.

This study of ours can appropriately start from Hegel's thesis: »Was vernünftig ist, das ist wirklich; und was wirklich ist, das ist vernünftig», or, applied to our theme: political philosophy is an attempt »den Staat als ein in sich Vernünftiges zu begreifen und darzustellen».³¹³ But what, then, is meant by the rational? According to Hegelian terminology as we have found it in for instance Bosanquet, the rational is not identical with the intellectualistic. We might say the »meaning» (»Sinn») in contrast to the meaningless; the »meaning» is not

³¹² Cf. Theory of State, p. 309.

³¹³ Rechtsphilosophie, p. 15.

something formal-logical, but something that forms a more or less concrete connexion. Therefore the idea of a rational connexion in history is not rejected, as some have done at times when they allege that historical creations are irrational, including of course the State and society. But no such distinction between the object-matter of natural science and that of history is accepted by Hegelianism, for all science »aims at bringing to light the reason in its object-matter»³¹⁴ The scientist is working to this end when he arranges natural phenomena into a rational system, even if this system of laws is read into nature by the investigator himself. In the same way the historian seeks to group historical phenomena into a systematic whole³¹⁵ Any difference between these wholes will lie in their different degrees of concreteness, but as wholes they must be rational: »It is impossible to accept the results, the creative energy, of reason in the sphere of nature, and with the same breath to reject them in the sphere of spirit. Scepticism must take all or nothing. If it takes all, it is doubtless self-destructive. But if it makes shift with half measures, it is illogical.»³¹⁶ The striving after wholeness, after reason in history, becomes especially apparent when a historian refuses to assign historical value to what is alleged to have arisen by the intervention of Providence, by a miracle, because the whole as a logical system would then be broken.

We mentioned that the real as rational is concrete. The real is accordingly not an abstract rational system, but must have its source in actual reality. We have also pointed out that the real is unity of essence and existence (p. 194). A world of thought constructed on solely abstract speculations is therefore unreal; it has no systematic connexion with concrete experience. Political philosophy, too, must keep to this concep-

³¹⁴ G. Lasson, *Einleitung in Hegels Philosophie des Rechts*, Hegels Sammlt. Wke, VI, p. XXXVIII

³¹⁵ Cf. Aspelin, *Historiens problem*, p. 156

³¹⁶ Vaughan, *op cit.*, II, p. 160.

tion of concrete reality. As its object-matter it must have the real State. If, for instance, a Hegelian were asked whether Plato's utopian State or Pericles' State was the more rational, he would unhesitatingly give the latter the preference, for Plato's utopia never became real and was therefore irrational. When Hegelians speak of a historical creation as rational, they do not mean that it is in accordance with a devised plan or a philosopher's dream, but that it is »a rational system of organised life which our reason can understand».³¹⁷ The Hegelian philosophy of the State is therefore implacably opposed to the politico-theoretical method that seeks to judge the present State by an ideal. In our historical excursus we saw how easily the idea of a future ideal State crept into the philosophical theory of the State. The present State was regarded as something that had only contingent justification, that had no place in a perfect world. It did not belong to the essence of reality, to speak in Hegelian terms. The universalistic philosophers, on the other hand, seek to understand the State such as it is, as a part of the distinctive essence of reality.³¹⁸ They do not, as for instance Spencer does, describe how a future community is to be; according to them the task of philosophy is to see its object-matter »as it is and to learn what it is».³¹⁹ Hence »the object of political philosophy is to understand what a State is, and it is not necessary for this purpose that the State which is analysed should be 'ideal', but only that it should be a State».³²⁰ Hegel expresses the same thought thus, that philosophy comes after reality, and is to interpret it, not anticipate its development or try to guide it in a certain direction. »Wenn die Philosophie ihr Grau in Graumalt, dann ist eine Gestalt des Lebens alt geworden. und mit Grau in Grau lässt sie sich nicht verjüngen. sondern nur er-

³¹⁷ Barker, Political Thought in England, p. 83

³¹⁸ Cf. Morris, op. cit., p. 166

³¹⁹ Theory of State, p. 2.

³²⁰ Op. cit., p. 232

kennen; die Eule der Minerva beginnt erst mit der einbrechenden Dämmerung ihren Flug». ³²¹

In spite of this tendency of Hegelian philosophy to avoid determining the State by an ideal, the principal criticism against it has consisted in just the accusation that it identifies State and State Ideal. Hobhouse, for instance, after giving an account of Hegel's and Bosanquet's conception of the State, says: »This is to define the State by an ideal». ³²² and Malte Jacobsson expresses himself similarly: »Speaking of State morality, by substituting ideal State for real State Bosanquet's State morality becomes a fiction ... and a fatal fiction for the real morality of the State». ³²³ And we must certainly acknowledge that such a charge comes very close. For Bosanquet the State was something ethically good, something rational, since it was an expression of the general will. But if we look deeper into the universalistic theory of the State, we shall find that the general will, freedom, or reason, is not an *ideal* in the customary sense, but expresses the *Idea* that is constitutive of the State.

Now what is the difference between an ideal and an Idea? An ideal belongs more or less to the future, for, if it has been realized, it is no longer an ideal in the strict sense. The »Industrial State» was such an ideal for Spencer. If this ideal is worked out more in detail, it is called utopia. Plato's ideal State possessed this character. On the boundary between ideal and what we have called constitutive Idea stands Kant's regulative Idea. In Kant's political and legal philosophy we found two regulative Ideas: the social contract and Eternal Peace. The latter »Idea» can no doubt be regarded as an ideal in the customary sense, whereas the social contract possesses a certain constitutive sense: only if the State can be considered to have arisen through my voluntary consent,

³²¹ Rechtsphilosophie, p. 17.

³²² Op. cit., p. 22

³²³ Om statsmoral, p. 53

if its law is my own law, has it the right to demand my obedience, has it the right to exist. Of Kant's regulative social Idea it might be said that it is a constitutive Idea in individualistic form. It is subjectivistic, and, pushed to its extreme consequences, it would turn into its own, opposite and dissolve the State, for only the perfect State can be regarded as a basis for the voluntary agreement of all. In his ethics Kant overcomes in a certain sense the subjectivism by making moral law universal and founding it in our intelligible self, but the function of the State and the law is merely to settle conflicts arising out of the »Willkur» of the separate individuals.

In the universalistic philosophy of the State the constitutive element of the Idea is the decisive factor. The Idea is the realized notion³²⁴ It is reality in itself, the essence of reality. It constitutes reality, which without it would be mere existence. A work of art is not mere paint and canvas, nor is it the beautiful as a notion or abstract idea, but the existential evolved out of the aesthetic Idea. The Church is no mere external institution; it is an expression of the Idea as religion. Religion constitutes the Church, makes the Church the Church. In like manner, freedom, the ethical life, the general will, is the Idea, the essence, of the State.

To say that this Idea is an ideal is correct only in so far as it is meant that it is *also* an ideal. We have previously mentioned that essence is also an Ought in the strict sense. The Idea may have no so-called future, but it has eternity instead: in sober fact it exists now and always» (Croce), or as Bosanquet expresses it: »The great enemy of all sane idealism is the notion that the ideal belongs to the future. The ideal is what we can see in the light of the whole, and the way in which it shapes the future for us is only an incident — and never the most important incident — of our reading of past, present, and

³²⁴ Rechtsphilosophie, § 1, Binder. Grundlegung zur Rechtsphil., pp. 95 f., Larenz, Rechts- und Staatsphilosophie der Gegenwart, Berl., 1931, p. 81.

future in their unity.³²⁵ The Idea can, of course, be realized more or less perfectly. The Church, for instance, has only partially realized the religious Idea, but it can be called Church as long as it is a form of the religious Idea. And the State can be called State as long as it is an expression of the Idea of Right, the general will. Thus the Idea is an ideal in a certain sense, since the task is to realize this Idea as perfectly as possible. Hence, when universalistic philosophy regards the Idea as realized, this does not mean that it idealizes the actual, as Hobhouse accuses it of doing.³²⁶ It holds that everything is imperfect in the finite world, and it is our duty to make the world more perfect. But the task of philosophy is only to understand the present in its essence. Philosophy, according to universalism, must not stop at the outworks, but must make its way to the essence of things, to that which constitutes reality. Therefore political philosophy must study the State as State, try to find the constant, the rational, the Idea in the transient forms the State passes through in the course of history. We can say that the political historian's task is to reveal the imperfections of the different States, just as it is the ecclesiastical historian's to study the forms the Church has taken, while systematic theology has to inquire into the essence of religion. Similarly, the artist who desires to understand a tendency within art must penetrate behind the more accidental and often imperfect forms in order to see the innermost purpose.

This method of political philosophy — to seek to find the rational or the Idea in the present — is regarded by Hobhouse as neither ethical nor scientific. It »is not ethical because it does not seek to find reasons for human conduct in any ultimate goal of human endeavour«. It is not scientific because it does not concern »the varying forms of social institutions«, but

³²⁵ Principle, p. 136. — By »ideal« Bosanquet means here, of course, »Idea«.

³²⁶ Op cit., p. 17.

assumes certain abstract conceptions and expounds them dogmatically in general terms, to which conceptions the actual State must give place.³²⁷ But does not Hobhouse's method involve a self-contradiction? It is ethical, but is it scientific? If science is to set up ideals and enter upon »the constructive attempt to reorganize life in accordance with its ideals«, this is probably a task beyond its powers. Bosanquet's ethical method, on the other hand, starts by seeking the rational, the Idea, in the existential, a mode of thought that Bradley expresses thus: »moral philosophy has to understand morals which exist, not to make the world moral, but to reduce to theory the morality current in the world«.³²⁸ With such an approach no self-contradiction is involved in combining the ethical and the scientific method. It starts from historical reality — therefore it is scientific — and seeks to reach the essence of this reality — therefore it is ethical. It may also be regarded as ethical even in the Hobhouse sense. It sets up a future goal, for the essence of reality can be regarded as an end for our endeavours. The actual State is contradictory; to overcome this contradictoriness is man's goal. Universalism is therefore not the »bed-rock conservatism«³²⁹ which Hobhouse regards as opposed to ethical strivings. M. Jacobsson endorses this view of Hobhouse's: »Those who think that the real is necessarily rational must consider every attempt to value the forms of reality by individual reason as a trespass against the reason inherent in reality. The individual citizen, to whom the State has become 'the real will' in the sense of the rational will, no longer ventures anything else but what the State wills. He lays down his reason in reverence before the majesty of the State«.³³⁰ We may here disregard the weakness of judging the value of a theory from its alleged practical results as well as whether

³²⁷ Op cit, p. 20.

³²⁸ Op cit., p. 193 (cit. abbrev.).

³²⁹ Hobhouse, op. cit., p. 27.

³³⁰ Om statsmoral, pp. 53 f.

it is correct that the view of this world as the best possible necessarily involves hostility to progress. Instead, we may emphasize that from the Hegelian conception of the State as rational, consequences have also been drawn which are quite the opposite of that advanced in the above-mentioned criticism. Engels, for instance, has opposed the »reactionary» interpretation of Hegelian philosophy, regarding Hegel as a representative of a revolutionary theory.³³¹ This view, however, jumps too far over to the other extreme. It suffices to point out that for Hegel the »Idea» is eternal self-development, and therefore it is never realized to full perfection, but our strivings must be directed towards this perfection.

The objection which is raised against the historical method of universalism is that it restricts its examination to the present State. Such an objection is correct to a certain extent, for this philosophy explains the less complex by the more complex and hence its foremost object of historical inquiry is the present State. But we have seen that both Hegel and Bosanquet also make the City-State their object of study, since they have found there a highly developed political life. The principal thing for them is to find a State that affords a criterion to a sound political life, and the Greek City-State and modern Nation-State are the best representatives of this life. Thus in his »System der Sittlichkeit» (1802), which was based on the conception of the Greek State, Hegel already had the essentials of his political philosophy clear, and the change this philosophy underwent was, as Bosanquet points out, that he included »the more accented freedom of modern life, as he divined it from the attentive study both of English and German politics».³³²

³³¹ See. Phalén, op cit., p. 391

³³² Bosanquet, op cit., p. 231 Cf Rosenzweig, op. cit., II, pp. 162 f. — Rosenzweig says that Hegel's view of economic liberalism, of corporatism as salvation from the industrial community, and of bureaucracy, has not been formed in reference to the Prussian State. »So kann man deshalb

Between the Idea as the State and the other forms of the Idea with which we have compared it there is in universalism a difference that we have hitherto disregarded for the sake of simplicity. The Idea as the State is more constitutive than the others to man, for he is a social being, a *zoon politikon*. If »our minds were wholly isolated and self-complete, as our bodies are, we should not be human or moral or reasonable». We »are only moral and human by finding a place in a system which is reasonable, which includes external nature, and... in which we can find satisfaction». ³³³ Hence to the Idea as the ethical belongs realization in external form but with foundations in a spiritual whole. Religion, for instance, as we have seen, may be pure subjectivity, but the essence of the ethical must include objectivity. Hence the individual does not suffice as its material correlate; its outward side must be an external objective order. When V. Norström (p. 212 above) claims that ethical life means the same as sociality, he gives apposite expression to the same universalistic thought as Bosanquet brought out when he translated Hegel's »Sittlichkeit» into »Ethical System» or »*Social Ethics*». With such a definition it would involve a self-contradiction to make ethical life subjective, for superindividuality is a characteristic of social life. But, as we saw, the ethical life must not be a mere external system; it must have its roots in man's sentiments. That is why the City-State and the Nation-State are the object-matter of the universalistic philosophy of the State, for here we find a unity of inner feeling and outer form, here lies according to Hegel a synthesis of »dem Besonderen» and »dem Allgemeinen». Such a theory, social idealism. ³³⁴

allerdings sagen, dass Hegel der Philosoph des preussischen Staates war, aber nur wie man ebensogut sagen kann, der preussische Staat von 1820 sei ein Gedanke der Hegelschen Philosophie. Eines ist so wahr und unwahr wie das andere» (op. cit., p. 169)

³³³ Civilization of Christendom, p. 93.

³³⁴ Cf. Aspelin, Hegels praktiska filosofi, p. 118.

enables us to bring into line the conditions we have seen (pp. 78 f.) to be necessary for the justification of the State. The State and the individual are of the same essence, only different aspects of the same thing. Therefore the State does not stand as an evil power against the individual. It may be imperfect and subject to misuse, but so may religion, love, and the family. So long as man is imperfect, the State must be imperfect, the better man is, the better the State, for ›personal morality and political and social institutions cannot exist apart‹.³³⁵ And we shall conclude our exposition of Bosanquet's political philosophy with his own answer to Hobhouse when the latter saw in the universalistic philosophy of the State the origin and cause of the Great War. The answer casts as it were a flashlight on that synthesis of individual and State — a consequence of his universal conception of the whole in differentiations — which underlies the whole of Bosanquet's political philosophy: ›It is not the State, nor Sovereignty, nor merely the Germans nor the Kaiser, who made the war. It is all of us, pursuing our mingled aims, which take no account of others, and which, apart from due subordination of means to ends must lead us into collision. Under the influence of material aims you can misuse and misinterpret the State, as you can the family or the shop. But *abusus non tollit usum*›.³³⁶

³³⁵ Bradley, op. cit., p. 188.

³³⁶ Theory of State, p. XLVII

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